BULLETIN

OF THE

DEPARTMENT OF LABOR.

No. 14—JANUARY, 1898.

ISSUED EVERY OTHER MONTH.

EDITED BY

CARROLL D. WRIGHT,
COMMISSIONER.

OREN W. WEAVER,
CHIEF CLERK.

WASHINGTON:
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1898.

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THE NEGROES OF FARMVILLE, VIRGINIA: A SOCIAL STUDY.

BY W. E. BURGHARDT DU BOIS, PH. D.

For many reasons it would appear that the time is ripe for undertaking a thorough study of the economic condition of the American Negro. Under the direction of the United States Commissioner of Labor the present study was made during July and August, 1897, as the first of a series of investigations of small, well-defined groups of Negroes in various parts of the country.

In this work there has been but the one object of ascertaining, with as near an approach to scientific accuracy as possible, the real condition of the Negro.

PRINCE EDWARD COUNTY.

Prince Edward County is a small irregular quadrangle of about 300 square miles, situated in the middle country of Virginia, between the Piedmont region and tide water, about 57 miles southwest of Richmond, and midway between Petersburg and Lynchburg. This county is thus near the geographical center of the State, and is also in the center of a district that produces seven-eighths of the tobacco crop of Virginia. The county seat is Farmville, a market town of 2,500 inhabitants, situated on the upper waters of the Appomattox.

This county has had an interesting history as regards its population. A century ago it had a population of 8,000, evenly divided between whites and blacks; to-day it has a population of over 14,000, but the increase is almost entirely among the blacks, the number of whites

still remaining under 5,000. The following table shows the white and black population of the county at each census from 1790 to 1890:

POPULATION OF PRINCE EDWARD COUNTY, 1790 TO 1890.

Census year.	Whites.	Slaves.	Free Negroes.	Total Negroes.	Total population.
1790	4,082	3,986	32	4,018	8,100
1800	4,978	5,921	63	5,984	10,962
1810	5,264	6,996	149	7,145	12,409
1820	4,627	7,616	334	7,950	12,577
1830	5,039	8,593	475	9,068	14,107
1840	4,923	8,576	570	9,146	14,069
1850	4,177	7,192	488	7,680	11,857
1860	4,037	7,341	466	7,807	11,844
1870	4,106	.....	7,898	7,898	12,004
1880	4,754	.....	9,914	9,914	14,668
1890	4,770	.....	9,924	9,924	14,694

Of the total population of the county, less than one-third live in towns of 25 or more inhabitants, leaving the great mass of the people thoroughly rural and agricultural. Before the late war more than 75 per cent of the farms were of 100 acres or over, and were worked by gangs of from 10 to 50 slaves. (*a*) By 1870 these farms had become so broken up that nearly 40 per cent of them were less than 50 acres in size. Since then something of a reaction has taken place and more waste land brought under cultivation, so that in 1890 31 per cent of the farms were less than 50 acres in size.

The following table shows the number and per cent of farms in Prince Edward County, according to size, at each census from 1860 to 1890:

NUMBER AND PER CENT OF FARMS IN PRINCE EDWARD COUNTY, BY SIZE, 1860 TO 1890.

Size of farms.	1860.		1870.		1880.		1890.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 10 acres	.....	.....	23	3.75	34	3.23	65	5.93
10 or under 20 acres	6	1.23	49	7.99	152	14.44	118	10.77
20 or under 50 acres	45	9.24	164	26.75	161	15.29	159	14.51
50 or under 100 acres	70	14.37	120	19.58	147	13.96	171	15.60
100 or under 500 acres	318	65.30	232	37.85	472	44.82	505	46.08
500 or under 1,000 acres	46	9.45	23	3.75	73	6.93	67	6.11
1,000 acres or over	2	.41	2	.33	14	1.33	11	1.00
Total	487	100.00	613	100.00	1,053	100.00	1,096	100.00

At the same time tenants and métayers, who had a large part of the land in cultivation in 1870, have decreased from 1880 to 1890, so that over 70 per cent of the farms are now cultivated by their owners.

The following table, compiled from the United States census returns (report on agriculture), shows for the county the number of farms of

a There were 582 slaveholders in the county in 1860, holding 7,341 slaves. Of these slaves 1,289 were held in lots of from 1 to 9 by 303 owners, and the rest by 279 owners. See census of 1860.

various sizes cultivated by owners, rented for money, and rented on shares in 1880 and 1890:

TENURE OF FARMS IN PRINCE EDWARD COUNTY, 1880 AND 1890.

Size of farms.	Cultivated by owners.		Rented for money.		Rented on shares.	
	1880.	1890.	1880.	1890.	1880.	1890.
Under 10 acres	15	35	3	11	16	19
10 or under 20 acres	47	76	40	12	65	30
20 or under 50 acres	68	103	33	19	60	37
50 or under 100 acres	80	127	29	30	38	14
100 or under 500 acres	332	366	70	68	70	71
500 or under 1,000 acres	56	60	8	1	9	6
1,000 acres or over	9	8	4	1	1	2
Total	607	775	187	142	259	179
Per cent	57.64	70.71	17.76	12.96	24.60	16.33

Less than 2 per cent of these farms are encumbered, but the liens on crops amount to a considerable per cent each year.

Agriculture is the chief occupation of the inhabitants of the county, tobacco being the leading product. Corn, wheat, oats, and potatoes are also raised, together with dairy products and poultry. The following table shows the principal products of the county at each census, 1850 to 1890:

PRINCIPAL PRODUCTS OF PRINCE EDWARD COUNTY, 1850 TO 1890.

Products.	1850.	1860.	1870.	1880.	1890.
Tobacco.....pounds..	2,571,850	4,231,797	960,700	2,462,326	1,633,830
Corn.....bushels..	214,350	233,833	87,440	192,462	106,011
Wheat.....bushels..	75,762	79,521	43,820	45,838	58,481
Oats.....bushels..	87,229	122,126	67,445	59,870	43,050
Hay.....tons..	487	151	268	1,100	2,513
Irish potatoes.....bushels..	7,700	7,700	7,544	5,319	12,737
Sweet potatoes.....bushels..	12,454	8,772	4,484	6,323	12,871
Butter.....pounds..	47,932	67,288	51,791	56,350	133,511

In addition to this agricultural exhibit there is a little manufacturing (*a*), and there are three lines of railway crossing the county and bringing it into touch with the markets. (*b*)

The total assessed valuation of real estate and personal property in the county was $2,397,007 in 1890, and on this was raised by taxation the sum of $24,281, making a tax rate of $10.13 per $1,000 of valuation. The money raised was distributed as follows: To the State, $7,192; to the county, $7,191; to the towns, $5,104; to the schools, $4,794. (*c*)

a In 1890 there were 39 manufacturing establishments in the county, with a capital of $113,285 and an annual output worth $183,362.

b The Norfolk and Western, running east and west through Farmville, the Richmond and Danville, running north and south and crossing the southeastern part of the county, and a narrow-gauge road connecting Farmville and the James River.

c The county received $8,343 as its share of the State school fund. It spent $2,058 for charity and $429 for roads and bridges. For schools it spent in all $13,565, distributed as follows: Salaries for teachers, $10,894; construction and care of buildings, $770; libraries and apparatus, $10; miscellaneous, $1,891. The county has no debt. There were, in 1890, 20 paupers in the county almshouse, 4 white and 16 black See Eleventh Census.

Turning to the Negroes of the county, we find that in 1895 the 9,924 Negroes therein owned 17,555 acres of land, which, together with buildings, was assessed at $132,189. The whites of the county, in the same year, owned 202,962 acres, and the assessed value of their lands and buildings was $1,064,180.

The following table, compiled from records in the county clerk's office at Farmville, shows the number of acres of land owned by Negroes in Prince Edward County and the assessed value of their land and buildings for each year from 1891 to 1895:

ACRES OF LAND OWNED BY NEGROES IN PRINCE EDWARD COUNTY AND ASSESSED VALUE OF LAND AND BUILDINGS, 1891 TO 1895.

Year.	Acres of land owned.	Assessed value of land and buildings.
1891	12,215	$83,212.48
1892	13,207	89,787.75
1893	14,754	97,341.53
1894	16,467	105,024.48
1895	17,555	132,188.66

Situated in the geographic center of an historic slave State, near the economic center of its greatest industry, tobacco culture, and also in the black belt of the State, i. e., in the region where a decided majority of the inhabitants are of Negro blood, Prince Edward County is peculiarly suited to an investigation into Negro development. The few available statistics serve to indicate how vast a revolution this region has passed through during the last century. They show the rise and fall of the plantation-slave system; the physical upheaval of war in a region where the last acts of the great civil war took place (*a*), and the moral and economic revolution of emancipation in a county where the slave property was worth at least $2,500,000. They indicate, finally, the ensuing economic revolution brought about by impoverished lands, changes in the commercial demand for tobacco and the methods of handling it, the competition of the West in cereals and meat, the growing importance of manufactures which call workers to cities, and the social weight of a mass of ignorant freedmen.

The present study does not, however, concern itself with the whole county, but merely with the condition of the Negroes in its metropolis and county seat, Farmville, where its social, political, and industrial life centers, where its agricultural products are marketed, and where its development is best epitomized and expressed.

FARMVILLE.

Farmville is in the extreme northern part of Prince Edward County. It is thoroughly Virginian in character—easy-going, gossipy, and con-

a The operations in the Grant campaigns of 1864 and 1865 took place near and in Farmville, and Lee surrendered in a neighboring county.

servative, with respect for family traditions and landed property. It would hardly be called bustling, and yet it is a busy market town, with a long, low main street full of general stores, and branching streets with tobacco warehouses and tobacco factories, churches, and substantial dwellings. Of public buildings there is an opera house, a normal school for white girls, an armory, a court-house and jail, a bank, and a depot. The air is good, and there is an abundance of lithia and sulphur waters, which now and then attract visitors.

Farmville is the trading center of six counties. Here a large proportion of the tobacco of these counties is marketed, and some of it manufactured into strips; here are a half-dozen or more commission houses which deal in all sorts of agricultural products; and here, too, is the center for distributing agricultural implements, clothing, groceries, and household wares. On Saturday, the regular market day, the town population swells to nearly twice its normal size from the influx of country people—mostly Negroes—some in carriages, wagons, and ox carts, and some on foot, and a large amount of trading is done.

Naturally such a town in the midst of a large farming district has a great attraction for young countrymen, on account of its larger life and the prospect of better wages in its manufacturing and trading establishments. A steady influx of immigrants thus adds annually to the population of the town. At the same time Farmville boys and girls are attracted by the large city life of Richmond, Norfolk, Baltimore, and New York. In this manner Farmville acts as a sort of clearing house, taking the raw country lad from the farm to train in industrial life, and sending north and east more or less well-equipped recruits for metropolitan life. This gives the town an atmosphere of change and unrest rather unusual in so small a place, and at the same time often acts as a check to schemes of permanent prosperity.

The population of Farmville has grown steadily since 1850. Since 1890, however, the Negro population appears to have fallen off—a fact due doubtless to the large emigration to Northern cities. The following table, compiled from files in the Census Office and from schedules, shows the white and black population of Farmville for each census year from 1850 to 1890 and the black population in 1897:

POPULATION OF FARMVILLE, 1850 TO 1897.

Year.	Whites.	Negroes.	Total.
1850	599	848	1,447
1860	683	853	1,536
1870	598	945	1,543
1880	872	1,186	2,058
1890	961	1,443	2,404
1897	(a)	b 1,350	(a)

a Not reported.

b There are possibly more omissions in an investigation of this sort than in a census, where the primary object is to count the population. No attempt was made in this investigation to reach servants living entirely in white families, and persons habitually absent, although calling Farmville their home, were omitted. Making all allowances, however, the Negro population seems to have fallen off.

In 1880 the population of Farmville district, including Farmville town was 3,310, of whom 1,120 were whites and 2,190 blacks; and in 1890 the population of the district was 3,684, of whom 1,246 were whites and 2,438 blacks.

The chief industries of the town are: The selling of tobacco and its storage in warehouses, which is done by stock companies composed of Negro as well as white stockholders; the manufacture of tobacco in strips, carried on by 7 white firms in 16 tobacco factories; woodworking by the Farmville Manufacturing Company; coopering by a firm; fruit canning by the South Side Canning Company; grinding of feed by the Farmville mills, and the running of 57 retail stores, etc., divided as follows: Eight clothing stores, 12 grocery stores, 4 general stores, commission merchants with stocks of harness and hardware, 4 drug stores, 3 dry-goods stores, 3 meat stores, 3 millinery stores, 2 restaurants, 2 book and stationery stores, 3 hardware stores, 2 furniture and undertaking stores, 1 jewelry store, 1 confectionery and toy store, 1 stove and tinware store, 1 wagon store, 1 steam laundry, and 2 saloons. (*a*)

The total valuation of the town for 1890 was $661,230—real estate $541,230, personal property $120,000—on which a total tax of $9,8 was raised, and distributed as follows: To the State $1,983, to the county $1,983, to the town $3,906, to the State school fund $661, and to the county and town school fund $1,322. In 1880 the town had a debt of $11,200, and in 1890 this had increased to $65,000. The following table gives the assessed valuation of real estate and its division between whites and blacks in Farmville, as shown in the records at the county clerk's office, for the years 1891 to 1895:

ASSESSED VALUATION OF FARMVILLE REAL ESTATE, 1891 TO 1895.

Year.	Real estate owned by—				Total.	
	Whites.		Negroes.			
	Amount.	Per cent of increase.	Amount.	Per cent of increase.	Amount.	Per c of i crea
1891	$523,355	.....	$42,834	.....	$566,189	.....
1892	530,685	1.40	51,865	21.08	582,550	
1893	543,610	2.44	52,765	1.74	596,375	
1894	545,130	.28	53,340	1.09	598,470	
1895	525,205	*a* 3.66	51,240	*a* 3.94	576,445	*a*

a Decrease.

About three-fifths of the inhabitants of Farmville, August 1, 18 were of Negro descent, and it is with this part of the population that this study has to do. The investigator spent the months of July and August in the town; he lived with the colored people, joined in the

a There was also a "bucket shop" in full blast during the summer of 1897, where considerable gambling in stock "futures" was indulged in.

social life, and visited their homes. (*a*) For the inquiry he prepared the following schedule of questions for each family and individual:

1. Number of persons in the family?
2. Relationship of this person to head of family?
3. Sex?
4. Age at nearest birthday?
5. Conjugal condition?
6. Place of birth?
7. Length of residence in Farmville?
8. Length of residence in this house?
9. Able to read?
10. Able to write?
11. Months in school during last year?
12. Usual occupations?
13. Usual wages per day, week, or month?
14. Weeks unemployed during year?
15. Mother of how many children (born living)?
16. Number of children now living?
17. Present whereabouts of such children?
18. Does the family own this home?
19. Do they own any land or houses?
20. Rent paid here per month?
21. Church attendance?

There was usually no difficulty experienced in getting the Negroes to answer these questions, so far as they could. The greatest uncertainty in the accuracy of answers was in connection with the first and fourth questions; the first on account of members of the family temporarily absent, and the fourth because in so many cases the age is unknown. Answers as to wages were of course more or less indefinite, although fairly good returns were obtained. The fifteenth question could be answered only when the mother herself was present, and then not always with sufficient accuracy. Only a few answers to this query were recorded. On the whole, the answers seem to approach the truth nearly enough to be of some considerable scientific value, although a large possible margin of error is admitted.

AGE, SEX, AND BIRTHPLACE OF NEGRO POPULATION.

The total number of Negroes in Farmville who reported as to age and sex was 1,225. If 250, estimated as not reporting, be added to this number, the total in and about Farmville is found to be about 1,475. Subtracting from this total 125 who lived outside the corporation, we find that the Negro population of the corporation of Farmville was approximately 1,350 in 1897. As the corporation line, however, cuts off somewhat arbitrarily a considerable number of Negroes who really share

a Letters of introduction and some personal acquaintances among the people rendered intercourse easy. The information gathered in the schedules was supplemented by conversations with townspeople and school teachers, by general observation, and by the records in the county clerk's office.

the group life of Farmville, they have been included in the total, excep when otherwise stated. Twenty-five people whose residence in Farm ville was for such indefinite periods as to make their citizenship ques tionable have been omitted; they have families here, but themselve work mostly in the North. About 75 servants, mostly young wome living in white families as servants and having no other town home were not interrogated at all, and consequently are not accounted fo in these returns. Their number and the number of those otherwis omitted are estimated and not actually counted.

Taking the Negroes of the Farmville group as shown in the table fo lowing, we find that there are 598 males and 627 females, or the propo tion of 1,048 females to every 1,000 males (*a*). This is much above th general proportion for the United States (952.8 females to every 1,00 males), and even above the proportion in the North Atlantic State This excess of females indicates a large emigration of males. The fo lowing table shows, by age periods, the number of Negroes of each se from whom reports were obtained:

NUMBER OF NEGROES IN FARMVILLE FROM WHOM REPORTS WERE OBTAINED, B AGE PERIODS AND SEX, 1897.

Age periods.	Males.	Females.	Total
Under 1 year	12	12	
1 to 9 years	127	150	2
10 to 19 years	182	147	3
20 to 29 years	87	101	1
30 to 39 years	53	67	1
40 to 49 years	47	55	1
50 to 59 years	44	52	
60 to 69 years	23	24	
70 to 79 years	14	15	
80 to 89 years	3	3	
90 to 99 years	1	.....	
100 years or over	1	.....	
Age unknown	4	1	
Total	598	627	1,2

Considering the percentage in different age periods, it is interestin to bring the Negro population of Farmville into comparison with th colored population of the United States, the whole population of th United States, and the populations of various foreign countries. Th comparison is made in the following table.

a The number of females in excess would be still larger if the omitted house ser ants were included. However, they are not in all, if in a majority of, cases citize of Farmville, but have homes in the country. Those living in Farmville are perha balanced by other omissions.

PER CENT IN DIFFERENT AGE PERIODS OF NEGROES IN FARMVILLE AND OF TOTAL POPULATION IN VARIOUS COUNTRIES.

[The per cents for Farmville are computed from schedules; the others are taken from the United States census of 1890 and Mayo-Smith's Statistics and Sociology.]

Age periods.	Negroes of Farmville.	Colored population of the United States.(a)	Total population of the United States.	Population of—		
				Germany.	Ireland.	France.
Under 10 years	24.57	28.22	24.28	24.2	20.8	17.5
10 to 19 years	26.86	25.18	21.70	20.7	23.4	17.4
20 to 29 years	15.35	17.40	18.25	16.2	16.2	16.3
30 to 39 years	9.79	11.26	13.48	12.7	10.8	13.8
40 to 49 years	8.32	7.89	9.45	10.4	9.8	12.3
50 to 59 years	7.84	4.92	6.38	7.8	8.5	10.1
60 to 69 years	3.84	2.88	3.94	5.2	6.0	7.6
70 years or over	3.43	2.25	2.52	2.8	4.5	5.0
Total	100.00	100.00	100.00	100.0	100.0	100.0

a Persons of Negro descent, Chinese, Japanese, and civilized Indians.

Here again we have evidence of the emigration of persons in the twenties and thirties, leaving an excess of children and old people. This excess is not neutralized by the immigration from the country districts, because that immigration is apt to be of whole families—young, middle-aged, and old—rather than of young men and young women alone. The proportion of children under 15 is also increased by the habit which married couples and widowed persons have of going to cities to work and leaving their children with grandparents. This also accounts for the small proportion of colored children in a city like Philadelphia.

With regard to persons 35 or 40 years of age or over, there is undoubtedly considerable error in the age returns. They do not know their ages, and have no written record. In such cases the investigator generally endeavored, by careful questioning, to fix some date, like that of Lee's surrender, and find a coinciding event like marriage or the "half-task" child-labor period of life, to correspond.

There are 263 males of voting age and 512 children of the legal school age (5 to 20), or 367 of the usual school age (5 to 15). From the statistics of birthplace it is found that of the 1,225 Farmville Negroes 531, or 43 per cent, were born in the town; 750, or 61 per cent, in Prince Edward County, and 1,181, or 96 per cent, in the State. Of those born outside the State, 1 was born in Alabama, 4 in Georgia, 1 in Kansas, 2 in Massachusetts, 4 in New York, 4 in North Carolina, 1 in Tennessee, and 5 in West Virginia. Two came from the West Indies, and the birthplaces of 20 are unknown. The town population is thus shown to be a local concentration from neighboring country districts.

Of the 262 families of Negroes in the town, 202 reported as to length of residence there. Eight had resided there less than a year, 17 from one to five years, 35 from five to ten years, 45 from ten to twenty years, 41 from twenty to thirty-five years, and 36 thirty-five or more years. In other words, about one-half the population has moved into the town since 1880.

CONJUGAL CONDITION, BIRTHS, AND DEATHS.

In the table following, relating to the conjugal condition of the Negroe of this community, it is found that of the 351 males over 15 years o age who returned answers 147, or 41.9 per cent, were single; 178, o 50.7 per cent, were married, and 14, or 4 per cent, were widowed. Th remaining 12, or 3.4 per cent, were in no case regularly divorced, bu were permanently separated from their wives and have been s scheduled. Of the 392 women, 126, or 32.1 per cent, were single; 17 or 45.4 per cent, were married; 76, or 19.4 per cent, were widowed, an 12, or 3.1 per cent, were permanently separated.

CONJUGAL CONDITION, BY SEX AND AGE PERIODS.

Age periods.	Males.				Females.			
	Single.	Married.	Widowed.	Separated.	Single.	Married.	Widowed.	Separated.
15 to 19 years	79	.....	.....	.....	71	3	.....	.....
20 to 29 years	55	28	.....	3	44	51	3	
30 to 39 years	6	46	.....	1	10	49	6	
40 to 49 years	3	37	3	3	.....	30	22	
50 to 59 years	2	30	7	4	.....	32	17	
60 to 69 years	1	20	2	.....	.....	9	14	
70 to 79 years	.....	12	1	1	.....	4	11	.....
80 to 89 years	.....	3	.....	.....	.....	.....	3	.....
90 to 99 years	.....	1	.....	.....	.....	.....	.....	.....
100 years or over	.....	.....	1	.....	.....	.....	.....	.....
Unknown	1	1	.....	.....	1	.....	.....	.....
Total	147	178	14	12	126	178	76	

The table following compares the conjugal condition of the Negroe in Farmville with the conjugal condition of the populations of variou foreign countries. The table relates to persons 15 years of age or over

CONJUGAL CONDITION OF THE NEGROES OF FARMVILLE AND OF THE POPUL TIONS OF VARIOUS FOREIGN COUNTRIES, BY SEX.

[The per cents for Farmville are computed from schedules; those for foreign countries are take from Mayo-Smith's Statistics and Sociology. The figures for divorced are not shown for the foreig countries.]

Civil division.	Per cent of males 15 years of age or over.			Per cent of females 15 years age or over.		
	Single.	Married.	Widowed.	Single.	Married.	Widowe
Farmville	41.9	50.7	*a* 7.4	32.1	45.4	*a* 22.
France	36.0	56.5	7.5	30.0	55.3	14.
Germany	40.9	53.7	5.3	36.5	50.8	12.
Great Britain	39.5	54.9	5.6	37.3	50.9	11.
Hungary	31.5	63.7	4.7	22.0	62.8	15.
Ireland	49.3	44.8	5.9	43.5	42.1	14.
Italy	40.9	53.1	6.0	33.2	53.2	13.

a Including separated.

In the table following the conjugal condition of the Negro populatio of Farmville is compared with that of the entire population of th United States. Only persons 20 years of age or over are considered.

CONJUGAL CONDITION OF THE NEGROES OF FARMVILLE AND OF THE POPULATION OF THE UNITED STATES, BY SEX.

[The per cents for Farmville are computed from schedules; those for the United States are taken from the United States census of 1890.]

Civil division.	Per cent of males 20 years of age or over.				Per cent of females 20 years of age or over.			
	Single.	Married.	Widowed.	Divorced.	Single.	Married.	Widowed.	Divorced.
Farmville	25.00	65.44	5.15	*a* 4.41	17.30	55.03	23.90	*a* 3.77
United States:								
Native whites, native parents	28.54	66.08	4.74	*b* .64	18.75	67.88	12.79	*b* .58
Native whites, foreign parents	48.82	48.65	2.25	*b* .28	34.83	58.76	6.02	*b* .39
Foreign whites	28.06	65.93	5.51	*b* .50	15.39	68.05	16.21	*b* .35
Negroes	25.01	69.02	5.40	*b* .57	15.71	65.02	18.41	*b* .86
Total United States	30.95	63.83	4.65	*b* .57	19.92	66.35	13.19	*b* .54

a Separated. *b* Including unknown.

Comparing the conditions in Farmville with the conditions in foreign lands and in the United States as shown in the tables immediately preceding, we find some very instructive indications. (*a*) In slavery days marriage or cohabitation was entered upon very early, and the first generation of freedmen did the same. The second generation, however, is postponing marriage largely for economic reasons, and is migrating to better its condition. Consequently we find, in a race young in civilization, that the percentage of single men over 15 would seem to be larger than in Great Britain, France, Germany, Hungary, or Italy, if the conditions in Farmville are generally true, and that the number of single women is larger than might be expected. This leads to two evils—illicit sexual intercourse and restricted influence of family life. When among any people a low inherited standard of sexual morals is coincident with an economic situation tending to prevent early marriage and to promote abnormal migrations to the irresponsibility and temptations of city life, then the inevitable result is prostitution and illegitimacy. Thus it is quite possible to see these evils increase among a people during a period when great general advance is being made. They are the evils inseparable from a transition period, and they will remain until the industrial situation becomes satisfactory, migration becomes normal, and moral standards become settled.

The records of births as kept by the county are far from complete, and therefore not to be relied upon. The birth rate among the Negroes is large, but apparently decreasing. The per cent of illegitimate births

a The numbers involved in the Farmville inquiry were of course very small, and conclusions from percentages computed from them must consequently be made with the reservation. It is not intended in this or similar cases to push comparisons too far, but in all cases the conclusions stated are borne out by general observation here and elsewhere as well as by the figures.

is, of course, still more difficult to determine. By careful inquiry i was ascertained that there were living in the town August 1, 1897, a least 44 illegitimate children under 10 years of age. The total numbe of children under 10 was 301, indicating, roughly, a rate of nearly 1 per cent of illegitimate births. Even this rate is, by universal test mony, a great improvement on conditions in the past.

The records of deaths in the town are better kept than those o births, but these, too, are probably incomplete. There were 33 death reported in Farmville in 1896, indicating a death rate of 13.5 per 1,00 This is too low, but the true death rate is not high. There is a larg infant mortality, but otherwise the colored population seems fairl healthy. Their death rate, of course, exceeds that of the whites.

While facts bearing on miscegenation between whites and blacks ar difficult to obtain and interpret, yet they are of interest. Of the 4 illegitimate children mentioned, 10 were, in all probability, children o white men; 4 of these belonged to one mother, who was openly know to be the concubine of a white man who had a white family; 2 of th children belonged to another mother, and there were four mothers eac having 1 illegitimate child, making six mothers in all having suc children. There is no doubt that this illicit intercourse has greatl decreased in recent years. Curiously enough, there are in the vicinit of the town two cases of intermarriage of colored men and white women which are undisturbed, despite the law.

Some attempt was made to determine what proportion of the whol population was of mixed blood, but with only partial success. If, as i often assumed in such inquiries, all cases of intermingling were matter of a single generation, or of two, the investigation would be easier. Bu when a person is a descendant of people of mixed blood for four or fiv generations the matter becomes very difficult. A record was kept o the personal appearance of a majority of those Negroes of the town who were met by the investigator face to face. Of 705 Negroes thu met, 333 were apparently of unmixed Negro blood; 219 were brown i color and showed traces of white blood, and 153 were yellow or lighter and showed considerable infusion of white blood. According to this one-third to one-half the Negroes of the town are of mixed blood and verifying this by observations on the street and in assemblies this seemed a fair conclusion.

SCHOOLS AND ILLITERACY.

The town of Farmville has no school for colored children, but sends them to the district school just outside the corporation limits. The schoolhouse is a large, pleasantly situated frame building with five rooms. It has one male principal, and one male and three female assistants. It is not at present, if the general testimony of the towns people is to be taken, a very successful school. It is practically ungraded, the teachers are not particularly well equipped, except in

one, possibly two, cases, and the school term is six months—September 15 to April 1. The teachers' salaries do not average over $30 a month, which confines the competition for the school to residents of the town.

The average attendance at the school for the year ending in 1895 was 260.5; in 1896 it was 260, and in 1897 it was 269. (*a*) This is between 80 and 90 per cent of the registration. Of the 512 children in Farmville between the ages of 5 and 20, 239, or 46 per cent, were in school during the year ending in 1897. Of the 367 children between 5 and 15 years of age, 205, or 55.9 per cent, were in school. The following table shows the school attendance by age and sex:

SCHOOL ATTENDANCE, BY AGE AND SEX.

Age.	Males.		Females.	
	Population.	In school.	Population.	In school.
5 years	20	.....	22	1
6 years	8	1	17	4
7 years	13	4	19	8
8 years	13	5	21	13
9 years	16	11	13	11
10 years	23	16	15	10
11 years	14	11	10	7
12 years	29	21	18	15
13 years	22	17	7	5
14 years	15	13	23	15
15 years	19	9	10	8
Total	192	108	175	97
15 to 20 years	74	13	71	21
Grand total	266	121	246	118

Between the ages of 5 and 15 years the boys and girls attend school in about the same proportion; after that the boys largely drop out and go to work. As compared with the boys, a larger proportion of the girls receive some training above that of the common grades. The effect of child labor in housework and in the tobacco factories is easily traced in the figures as to the length of school attendance during the year. Of the 205 children from 5 to 15 years of age who attended school during the year 1896–97, only 52 per cent attended the full term of six months, 33 per cent attended half the term, and 11 per cent less than three months. Four per cent eked out the public school term by three or more months in private classes. The following table shows the length of school attendance of children from 5 to 15 years of age by sex:

LENGTH OF SCHOOL ATTENDANCE, BY SEX.

School attendance.	Males.	Females.	Total.
Under 3 months	11	11	22
3 months	39	29	68
6 months	55	52	107
9 months or over	3	5	8
Total	108	97	205

a From records in county superintendent's office, Prospect, Prince Edward County.

Even so indifferent a school system has had its effect on the illiteracy of the town. Of the 908 people reporting, 42.5 per cent could read and write, 17.5 per cent could read but could not write, while 40 per cent were wholly illiterate. If we divide the population into four classes—those reared in slavery, those reared in time of war and reconstruction, those reared since 1867, and present youth—we can trace the steps of advance by the decreasing amount of illiteracy. Nevertheless, 23 per cent of the youths from 10 to 20 years of age are illiterate. The following table shows the degree of illiteracy by sex and age periods:

LITERATES AND ILLITERATES, BY SEX AND AGE PERIODS.

Sex and age periods.	Able to read and write.	Able to read.	Illiterate.	Not reported.	Total.
MALES.					
10 to 20 years	97	49	45	4	195
21 to 30 years	38	16	26	1	81
31 to 40 years	30	7	10	.....	47
41 years or over	34	13	80	5	132
Age unknown	1	1	1	1	4
Total males	200	86	162	11	459
FEMALES.					
10 to 20 years	96	21	34	3	154
21 to 30 years	52	21	23	1	97
31 to 40 years	28	17	28	.....	73
41 years or over	10	14	116	.....	140
Age unknown	.....	.....	.....	1	1
Total females	186	73	201	5	465
BOTH SEXES.					
10 to 20 years	193	70	79	7	349
21 to 30 years	90	37	49	2	178
31 to 40 years	58	24	38	.....	120
41 years or over	44	27	196	5	272
Age unknown	1	1	1	2	5
Total, both sexes	386	159	363	16	924

Many of the Farmville boys and girls are attending various schools and academies away from home. Those most frequented, in order of popularity, are: Virginia Seminary, Lynchburg, a colored Baptist school; Virginia Normal and Collegiate Institute, Petersburg, a State school; Hartshorn Memorial College, Richmond, a school for girls; Hampton Institute, Hampton; Ingleside Seminary, Burkeville, a Presbyterian school.

One noticeable change in the later generations is that the excess of illiteracy which was formerly among the women is now among the men.

Naturally statistics of illiteracy which depend on voluntary information contain a degree of error. In the present case the least favorable construction was put on all doubtful or evasive answers, and the error is probably not larger than usual in such statistics.

OCCUPATIONS AND WAGES.

The opportunities for employment in Farmville explain much as to the present condition of its Negro citizens, as, for example, the migration from country to town and from town to city, the postponement of marriage, the ownership of property, and the general relations between whites and blacks. If we divide the total colored population above 10 years of age according to the popular classification of pursuits, we have in professional occupations, 22; in domestic, 287; in commercial, 45; in agricultural, 15; in industrial, 282; not engaged in gainful occupations, 259, and not reported, 14.

Using a different classification, we have those working on their own account, 36; laboring class, 350; house service, 92; day service, 149; at home, unoccupied, and dependent, 259; professional and clerical, 24, and not reported, 14. The following table shows in detail the occupations, classed by sex and age periods:

OCCUPATIONS, BY SEX AND AGE PERIODS.

Occupations.	10 to 15 years.	16 to 20 years.	21 to 30 years.	31 to 40 years.	41 years or over.	Age unknown.	Total.
MALES.							
Apprentices	2	2	1				5
Baker				1			1
Barbers	1	1	1	1	1		5
Blacksmiths					2		2
Brakeman					1		1
Bricklayers and plasterers				2	1		3
Brickmakers	1	6	6		1		14
Butchers			2		1		3
Cabinetmaker					1		1
Canning-factory employee	1						1
Carpenters			1	2	11		14
Clergymen				2	4		6
Clerk, Railway Mail Service				1			1
Coachmen			1	1			2
Coopers				1	3		4
Domestic servants	7	2	4	1	2		16
Farm laborers	1	1	1	1	9		13
Farmers		2					2
Firemen, stationary engine	1			2			3
Hostlers			2	2	1		5
Janitors					3		3
Laborers	11	9	9	4	25		58
Laundry proprietor				1			1
Mechanics, wood turning	1		2	5	2		10
Merchant, wood					1		1
Merchants, grocery			1	3	1		5
Painters					3		3
Peddlers, candy, etc			2		2		4
Porters	1	5	1	2	8		17
Restaurant keepers					2		2
Sawmill employees		1	1	1			3
Silversmith and clock repairer					1		1
Shoe makers and repairers					4		4
Teacher				1			1
Teamsters		1	1	2	7		11
Tobacco-factory employees	19	35	39	9	25	1	128
Waiters		2	1			1	4
Wheelwright					1		1
Not reported	4		1		3	2	10
At home	14	3	2	1	5		25
At school (a)	58	4	2	1			65
Total males	122	74	81	47	131	4	459

a Children who do nothing but attend school. Many of the children work at service or in the tobacco factories a part of the year and also attend school. Such children are here enumerated under their occupations, and not as school children.

OCCUPATIONS, BY SEX AND AGE PERIODS—Concluded.

Occupations.	10 to 15 years.	16 to 20 years.	21 to 30 years.	31 to 40 years.	41 years or over.	Age unknown.	Total.
FEMALES.							
Bookkeeper	.....	.....	1	.....	.....	.....	1
Canning-factory employee	.....	.....	.....	.....	1	.....	1
Day workers	4	11	9	5	4	.....	33
Day workers and housewives	.....	1	24	28	61	.....	114
Domestic servants	6	18	27	6	8	.....	65
Merchants, grocery	.....	.....	1	1	.....	.....	2
Nurses	.....	.....	.....	.....	2	.....	2
Public cooks	.....	.....	.....	1	1	.....	2
Restaurant keeper	.....	.....	.....	.....	1	.....	1
Seamstresses and housewives	.....	1	.....	4	5	.....	10
Teachers	.....	6	8	1	.....	.....	15
Tobacco-factory employees	1	8	4	3	7	.....	23
Tobacco and canning factory employees and housewives	.....	2	2	8	11	.....	23
Not reported	2	1	.....	.....	.....	1	4
Housewives	.....	3	20	15	29	.....	67
At home	16	6	.....	.....	12	.....	34
At school (*a*)	54	14	.....	.....	.....	.....	68
Total females	83	71	96	72	142	1	465
Total males and females	205	145	177	119	273	5	924

a Children who do nothing but attend school. Many of the children work at service or in the tobacco factories a part of the year and also attend school. Such children are here enumerated under their occupations, and not as school children.

In the table following the Negroes of Farmville are compared with the population of the United States as regards the percentage engaged in certain classes of gainful occupations. The United States census classifications are used.

PER CENT OF NEGROES OF FARMVILLE AND OF TOTAL POPULATION OF THE UNITED STATES AT WORK, ENGAGED IN EACH CLASS OF GAINFUL OCCUPATIONS.

[The figures for Farmville are from schedules; those for the United States are from the census of 1890.]

Classes of occupations.	Negroes of Farmville.				Per cent in the United States.
	Males.	Females.	Total.	Per cent.	
Agriculture	15	.....	15	2.30	39.65
Professional service	7	15	22	3.38	4.15
Domestic and personal service	91	217	308	47.31	19.18
Trade and transportation	44	3	47	7.22	14.63
Manufactures and mechanical industries	202	57	259	39.79	22.39
Total	359	292	651	100.00	100.00

While the range of employment open to colored men is not large, that open to women is peculiarly restricted, so that most girls have only the choice between domestic service and housewifery. The different classes of employment are taken up in turn:

THE PROFESSIONS.—There are no colored physicians or lawyers in the town, preachers and teachers being the only representatives of the learned professions. The position of preacher is the most influential of all positions among the Negroes, and brings the largest degree of personal respect and social prestige. The two leading preachers in the town receive, the one $180 and house rent; the other, $600 a year. Both are graduates of theological seminaries and represent the younger

and more progressive element. They use good English and no scandal attaches to their private life, so far as the investigator could learn. Their influence is, on the whole, good, although they are not particularly spiritual guides, being rather social leaders or agents. Such men are slowly but surely crowding out the ignorant but picturesque and, in many particulars, impressive preacher of slavery days. Types of the latter are now to be found only in small churches, or in country districts where they care for two or three churches and receive salaries ranging from $75 to $300 a year.

The teacher stands next to the preacher in general esteem. An increasing number of these are now young women, and those in Farmville teach the schools of the surrounding country districts. The school terms are from four to six months, and in addition there is considerable private teaching done. The teachers earn from $100 to $250 a year by teaching, and sometimes they do other work during vacation.

THE ENTREPRENEURS.—The individual undertaker of business enterprise is a new figure among Negroes, and his rise deserves to be carefully watched, as it means much for the future of the race. The business enterprises in which Farmville Negroes are engaged on their own account are brickmaking, the grocery trade, barbering, restaurant keeping, furniture repairing, silversmithing and clock repairing, shoemaking, wood selling and whip making, steam laundering, contracting and building, painting, blacksmithing, wheelwrighting, hotel keeping, and farming, representing in all 32 separate enterprises conducted by 36 proprietors, and employing, besides, about 40 other persons.

The entire brickmaking business of Farmville and vicinity is in the hands of a colored man—a freedman, who bought his own and his family's freedom, purchased his master's estate, and eventually hired his master to work for him. He owns a thousand acres or more of land in Cumberland County and considerable Farmville property. In his brickyard he hires about 15 hands, mostly boys from 16 to 20 years of age, and runs five or six months a year, making from 200,000 to 300,000 brick. His men receive about $12 a month, and extra pay for extra work. Probably over one-half the brick houses in and near Farmville are built of brick made in his establishment, and he has repeatedly driven white competitors out of business.

The grocery store, as kept by the Negro, is a comparatively new venture in Farmville, and is quite successful, although most of the stores are naturally small and unpretentious affairs. There are seven grocery stores in the town conducted by Negroes. Of these, three are flourishing and do a business of from $50 to $100 a week. The three proprietors of these stores have been in business from five to eight years, are property holders, have a good common-school training, and apparently possess good business judgment. Their wives generally help in the stores, and only occasionally do they hire clerks. Two other stores are newer than these, and are doing fairly well, with prospects of better

trade in future. They are kept by young men who got their capital by menial service in New York City. The proprietors of these five stores depend entirely on their business for support. The two other stores are conducted by women as side enterprises. They have only a small patronage. An eighth grocery store, not noted in the table of occupations, was started in August, 1897, during the progress of this investigation.

The barbering and restaurant businesses were the ones to which the freedmen most naturally turned after their training as house servants. On this account, they do not to-day enlist the best talent of the race, since they savor in some respect of the unpleasant past; yet they are still largely followed. The wealthiest Negro in the town is the leading barber, who is reported worth not far from $10,000. There are five barber shops altogether—three for whites and two for blacks—and all run by Negroes. This is rather too many for the trade of the town, and one at least is being forced out. The income of barbers varies largely; probably from $5 to $15 a week would be the average. There are five proprietors, and generally five assistants, who receive from $3 to $5 a week. There are two restaurants which do a good business, especially on Saturdays, with the farmers. They employ about four persons besides the proprietors. There is also a lunch business done by one of the grocery stores.

Two blacksmiths and a wheelwright do a good business, sometimes taking in from $5 to $8 a day. There are also four shoe makers and repairers and two furniture repairers. A silversmith, who is a good workman, learned his trade of his former master, and is kept busy. There are three contractors—one in painting and two in small building jobs. A colored contractor on a larger scale resides temporarily in the town, but belongs in Richmond. He is building a fine country mansion for the leading white tobacco merchant of the place.

The only steam laundry in the county is conducted by two young colored men, brothers, who also own one in Richmond. The Farmville laundry employs five or six persons besides one of the brothers and his wife. It is equipped with the latest machinery, and the proprietors own the premises. They probably do a business of $100 a week in summer.

The town jailor, a Negro, is also a wood merchant, whip maker, and farmer. He is assisted by his son, and owns, besides his farm, a pleasant home in town. The timely assistance of a son of his former master enabled him first to become a property holder. He is now educating his younger daughters at the seminary in Lynchburg. (*a*)

A new enterprise in the town is a bakery and hotel. It occupies a neat building on the main street, and is conducted by a Hampton grad-

a One of the shoemakers was also materially aided by his master. At the close of the war the master gave him the stock of leather and tools in the shop and never asked for pay. There are other cases of good will of this sort between ex-master and freedman.

nate and her husband. The bakery so far is the more successful part, but the hotel feature has a chance to grow.

FARMERS.—Most of the Negroes have given up farming for the industrial chances of the town. Of those living in town, three—the brickmaker, the wood merchant, and one of the barbers—own large and well-conducted farms. Besides this, nearly every family has a vegetable garden, sometimes of considerable size, from which produce is sold. Many factory hands hire out as farm laborers during the spring and summer; they receive from 35 to 50 cents a day and board, or, if they work by the month, from $8 to $10.

INDUSTRIES.—The industries in which Negroes are employed are tobacco manufacturing, cooperage, wood working, fruit canning, feed grinding, railroading, and brickmaking.

The chief and all-absorbing industry, and the one that characterizes the town, is that of preparing tobacco strips—an industry in which Farmville ranks among the first cities of Virginia. There are in all 16 factories for this industry in the town; two firms operate 4 each; one operates 3; one 2, and three other firms 1 each. These factories are large barnlike structures of wood, 3 or 4 stories high, with many windows.

The manufacture of tobacco strips consists in ridding the dry tobacco leaf of the woody stem. The loose tobacco is taken to the factory and placed on the floor of a room in piles, according to grade, style, and quality. Enough of a certain grade to make a hogshead of strips is then taken to another room and sprinkled and steamed, a little at a time. The bundles are then ready to be stemmed, as the leaves are supple and pliant. Women and young men, assisted by children who untie the bundles and place them in position, dextrously draw out the stems, and the children tie the strips thus left into uniform bundles. The bundles are then weighed, stretched on sticks, and hung up in the drying room for from eight to twelve hours. When thoroughly dried and cooled the tobacco is again steamed as it hangs, and then cooled for two days. Finally, it is steamed a third time in a steam box, straightened, and quickly packed in hogsheads. (*a*)

The women and young men who stem the tobacco get 50 cents for every hundred pounds of stemmed tobacco, and can, with the aid of children, stem from 100 to 300 pounds a day, thus earning from $2.50 to $9 a week or more, for from five to seven months in the year. Other women laborers receive 35 or 40 cents a day, while the men who prize, steam, and pack tobacco receive from 75 cents to $1 a day for eight or nine months. The better classes of women do not like to work in the factories, and the surroundings are said to be unsuitable for girls. Many children are kept from school all or part of the time to enable them to help in this factory work. An adjunct to the tobacco business is the

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a See United States Census of 1880, Statistics of Agriculture, Report on Culture of and Curing Tobacco ,p. 211.

making of hogsheads and tierces, in which colored coopers are employed. They earn from $6 to $8 a week for the major part of the year.

The "foundry," as it is called, formerly did some iron molding, but now is engaged in woodworking, chiefly the turning of plow handles. It employs ten colored and four white mechanics, and pays them from 75 cents to $1 a day, without discrimination. The feed mills employ a few Negroes, and the Norfolk and Western and Farmville and Powhatan railways have colored section hands and brakemen. The section hands receive $1 per day and the brakemen not much more. A canning establishment, which is at present canning tomatoes, employs many women and men. Women receive 2 cents a bucket for paring tomatoes, and can earn from 40 to 50 cents a day; men receive from 75 cents to $1 a day.

The Trades.—Among the skilled trades Negroes are found as painters, shoemakers, cabinetmakers, coopers, blacksmiths, wheelwrights, brick masons, plasterers, carpenters, bakers, butchers, and whip makers. All of these have been alluded to before, save those in the building trades. There are 14 carpenters, 3 painters, and 3 masons who live in the town, besides several who live in the country and work in town. White and black mechanics are often seen working side by side on the same jobs, and get on without apparent friction, although there is some discrimination in wages. Colored carpenters get generally from 75 cents to $1 per day, and painters and masons not over $1. There are apparently more Negroes with trades than white men, but there is a dearth of young Negro apprentices, so that colored contractors often have to hire white mechanics.

Clerical Work.—Very little clerical work of any kind is done by Negroes. There is one railway-mail clerk, who secured his position through civil-service examination. He has had one route for seven years. The wife of the laundry proprietor does his bookkeeping, and occasionally a temporary helper is needed in the colored grocery stores. Very often the colored porters in white business establishments do considerable clerical work; they are, however, paid as porters.

Common Laborers.—There are 92 common laborers, including 17 porters and 3 janitors. The porters work in stores and commission houses, and are often old and trusted servants. They earn from $8 to $10 a month and board. Three laborers in the foundry receive 50 cents a day; 11 teamsters receive from 75 cents to $1 a day; the other 58 laborers do odd jobs of all sorts, work now and then on farms or in the tobacco factories, do chores about private houses, drive cows, keep gardens, etc. They receive from 30 to 75 cents a day.

Domestic Service.—Twenty-two men and 65 women, among those who appear upon the schedules, and about 75 others, some of whom are residents of the town and some not, are wholly engaged in domestic service. The men receive from $8 to $10 a month. The women receive from $1 to $5, according to age and work; a general servant in an ordi-

nary family receiving $4 a month; a nurse girl, from $1 to $3, and a cook, $5. Besides this they get good board, fair lodging, much cast-off clothing, and not a little training in matters of household economy and taste.

There is considerable dissatisfaction over the state of domestic service. The Negroes are coming to regard the work as a relic of slavery and as degrading, and only enter it from sheer necessity, and then as a temporary makeshift. Parents hate to expose their sons to the early lessons of servility, which are thus learned, and their daughters to the ever-possible fate of concubinage. (*a*) Employers, on the other hand, find an increasing number of careless and impudent young people who neglect their work, and in some cases show vicious tendencies, and demoralize the children of the family. They pay low wages, partly because the Southern custom compels families, who ought to do their own work, to hire help, and they can not afford to pay much; partly, too, because they do not believe the service rendered is worth more. The servants, receiving less than they think they ought, are often careful to render as little for it as possible. They grow to despise the menial work they do, partly because their employers themselves despise it and teach their daughters to do the same.

This may not represent the open, conscious thought of the community, but it is the unconscious tendency of the present situation, which makes one species of honorable and necessary labor difficult to buy or sell without loss of self-respect on one side or the other. One result of this situation is the wholesale emigration of the better class of servants to the North, where they can earn three and often four times the wages for less work. At the same time one curious modification of the domestic-service system is slowly taking place, which may mean much in the future, and that is the fact that Negroes themselves are begining to hire servants. Ten families among Farmville Negroes regularly hire one servant each, and several others have a woman to help occasionally. This system is, however, very different from the hiring of Negroes by whites. The employers in this case in no respect despise common labor or menial duties, because they themselves have performed such work all their lives. Their servant, too, is a neighbor's daughter, whom they know and like and treat practically as a member of the family. Thus there grows up a system very much like that in New England or in parts of Germany to-day, where housework is honored. At the same time, the Negro employers learn to sympathize with the complaints of the whites as to inefficient servants. In this way, possibly, the one circumstance which more than all others serves to ruin domestic service in the South may be modified, namely, the making of the term "Negro" and "servant" synonymous. Even to day

a This is, of course, much more rare now than formerly, but nearly all present cases originated in the close contact of female servants with thoughtless or designing members of families.

the economic importance of the black population of Farmville has brought many white men to say "mister" to the preacher and teacher and to raise their hats to their wives.

DAY SERVICE.—Just as the field hand of slavery days developed into the métayer, so the house servant easily developed into the day worker. Thirty-three single women and 114 housewives go out regularly at day work in families or take family washing into their homes. The increased independence of the servant and the decreased responsibility of the employer make this a popular system. It is, however, poorly paid, being a subsidiary employment for most families; and in hard times, when the house servant would have to be retained, it is easy to cut off this sort of worker. Those who work in families are either paid like house servants, by the week, or if they work by the day, from 30 to 50 cents a day. Much neglect of their own household duties and of children, especially of growing girls, is a result of this absence of the mother from home. Those who take in washing receive from 50 to 75 cents for a family wash. The girls at the white normal school pay $1.25 a month each for their washing. In this way many a Farmville mother helps her husband support the family, or during dull times keeps them all above want.

THE UNEMPLOYED.—A considerable number of idlers and loafers shows that the industrial situation in Farmville is not altogether satisfactory and that the moral tone of the Negroes has room for great betterment. One of the principal causes of idleness is the irregular employment. A really industrious man who desires work is apt to be thrown out of employment from one-third to one-half of the year by the shutting up of the tobacco factories, the brickyard, or the cannery. If he wants to get on in the world or accumulate property, he often finds that he must seek better wages and steadier employment elsewhere; or if he can not himself go, he sends a son or a daughter. Fully one-half, if not two-thirds, of the property owned by Negroes in the town has been paid for in large part with money earned outside the town. On the other hand, if the man be of only ordinary caliber he easily lapses into the habit of working part of the year and loafing the rest. This habit is especially pernicious for half-grown boys, and leads to much evil. Undoubtedly the present situation prolongs some of the evils of the slave system, and is the cause of much of that apparent laziness and irresponsibility for which so many Negroes are justly criticised. It is also true that larger, better, and steadier industrial opportunities in a town like Farmville would in time be able to counteract the tendency of youth to emigrate, would build up a faithful and efficient laboring community, and would pay good dividends to the projectors of new enterprises. The great demand is for steady employment which is not menial, at fair wages.

The women, too, demand enlarged industrial opportunities outside of domestic service, and of a kind compatible with decency and self-respect. They are on the whole more faithful and are becoming better

educated than the men, and they are capable of doing far better work than they have a chance to do. As it is they can only become servants, and if they must serve they prefer $12 a month in New York to $4 in Farmville. This explains the growing excess of colored women over colored men in many Northern cities.

However, besides all these willing workers, or those capable of training, there is undoubtedly in Farmville the usual substratum of loafers and semicriminals who will not work. There are probably five or six regular prostitutes, who ply their trade chiefly on Saturday nights. There are also some able-bodied men who gamble, and fish, and drink. Then there are the men who work, but who spend their time and money in company with the lowest classes. These people live in a few crowded tenements, easily distinguished, and are regarded by whites and blacks as beneath notice. Occasionally serious crime is perpetrated by this class, but their depredations are generally petty and annoying rather than dangerous. During 1896, 13 Negroes were indicted for serious crimes in the whole county; 4, for housebreaking, received sentences varying from six months in jail to four years in the penitentiary; 3, for petty larceny and assault, received a few months in jail; 2, for infanticide and attempted murder, received three and eight years, respectively, in the penitentiary; 3, for highway robbery, received from five to fifteen years in the penitentiary, and 1 received ten years for horse-stealing. (*a*) In the town some ten years since, there was one case of lynching for rape; but it is now generally conceded that the female was a lewd character, and that the black boy was guilty of no crime.

The slum elements of Farmville are as yet small in number, but they are destined to grow with the town. They receive recruits from the lazy, shiftless, and dissolute of the country around; they send them on to Washington, Philadelphia, and Baltimore as fit candidates for the worst criminal classes of those cities. The problem of Negro crime, therefore, is best studied and solved in towns of this size.

ECONOMICS OF THE FAMILY.

The question of the size of Negro families is important, but difficult to determine, on account of the varying meanings of the word "family." The economic family, i. e., those living together under conditions of family life, must obviously be the unit of a national census, but when it is used as the basis of a study of the fecundity of a certain part of the population the logic is dangerous. For this reason an attempt has been made to schedule the Negro families according to three conceptions of the word "family," viz:

1. The possible family, i. e., the parents and all children ever born to them living.

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a Three murder cases were tried in the county by change of venue. The majority of petty cases were tried by justices. See records in county clerk's office, Farmville.

2. The real family, i. e., the parents and all children living at present.

3. The economic family, i. e., all persons, related and unrelated, living in one home under conditions of family life.

Statistics of the possible family are not complete, partly on account of the difficulty of obtaining reliable answers and partly because this question was inserted in the schedules after the canvass had begun. The answers to the other questions are fairly full. The following table presents statistics of Negro families in Farmville:

NUMBER OF FAMILIES, BY SIZE.

Size of family.	The possible family.		The real family.		The economic family	
	Families.	Persons.	Families.	Persons.	Families.	Persons.
1 member	.....	.....	.....	.....	13	1
2 members	1	2	42	84	52	10
3 members	2	6	39	117	34	10
4 members	1	4	48	192	48	19
5 members	1	5	33	165	31	15
6 members	1	6	25	150	26	15
7 members	.....	.....	16	112	19	13
8 members	.....	.....	19	152	16	12
9 members	.....	.....	11	99	11	9
10 members	1	10	7	70	5	5
11 members	4	44	5	55	7	7
12 members	1	12	.....	.....	.....	.....
13 members	3	39	2	26	.....	.....
14 members	.....	.....	1	14	.....	.....
15 members	1	15	.....	.....	.....	.....
16 members	1	16	.....	.....	.....	.....
17 members	.....	.....	1	17	.....	.....
21 members	1	21	.....	.....	.....	.....
25 members	1	25	.....	.....	.....	.....
Total	19	205	249	1,253	262	a 1,20
Average	.....	10.79	.....	5.03	.....	4.6

a Not including 16 brickyard laborers, etc., who might be counted in families, but who have preferably been called "floating," so as not to disturb the economic statistics.

The small number of cases makes the figures for the possible family of value only as vaguely indicating the extreme limit of Negro reproduction which the large infant mortality and the preventive check to reproduction (late marriages) keep from realization. This method of inquiry rightly pursued might make an interesting comment on Malthusianism. The size of the real family comes nearest to being a true test of the fecundity of the race under present conditions, while the economic family shows the results of the present economic conditions. The economic family in Farmville is the complement of the Negro family in a city like Philadelphia, and these two families are very often but parts of one family; for married couples going North often leave their children in Farmville, and single persons live alone in cities and are counted as families of one, etc. In this way the continual migration complicates the question of the size of Negro families. Nevertheless, when all allowances are made, there is no doubt that the average Negro family in Farmville, in Virginia, and probably throughout the country is gradually decreasing in size. This is natural and salutary, and is due to-day not so much to a large death rate—for that is a factor which has always been reckoned upon and was undoubtedly more powerful

n the past than now—but to the comparatively sudden application of he preventive check to population, viz, late marriages. This view eceives further confirmation if we compare various sizes of families mong Farmville Negroes with the sizes of families in the whole United States and in the North Atlantic States. This comparison is shown in he following table:

ER CENT OF NEGRO FAMILIES OF FARMVILLE AND OF TOTAL FAMILIES OF THE UNITED STATES AND OF THE NORTH ATLANTIC STATES IN EACH GROUP, BY SIZE OF FAMILY.

[The figures for Farmville are from schedules; those for the United States are from the census of 1890.]

Size of family.	Negroes of Farmville.	United States.	North Atlantic States.
member	4.96	3.63	3.23
to 6 members	72.90	73.33	78.05
to 10 members	19.47	20.97	17.00
1 members or over	2.67	2.07	1.72

The houses which the 262 Negro families of Farmville occupy vary rom 1 to 9 rooms each in size, but have generally 2 or 3 rooms. The ollowing table gives the distribution of families by size of family and umber of rooms to the dwellings they occupy:

FAMILIES, BY SIZE OF FAMILY, AND NUMBER OF ROOMS TO A DWELLING.

Size of family.	Families occupying dwellings of—								Total.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	6 rooms.	7 rooms.	8 or 9 rooms.	
member	1	9	1	1	.....	1	.....	.....	13
members	8	27	7	7	3	.....	.....	.....	52
members	4	16	6	4	3	1	.....	.....	34
members	.....	26	11	5	3	2	.....	1	48
members	3	19	3	3	.....	1	1	1	31
members	1	14	5	3	2	.....	1	.....	26
members	.....	12	2	1	1	2	.....	1	19
members	.....	5	4	3	2	.....	1	1	16
members	.....	4	3	1	2	.....	.....	1	11
members	.....	1	2	.....	2	.....	.....	.....	5
members	.....	1	1	3	1	1	.....	.....	7
Total families	17	134	45	31	19	8	3	5	262
Total rooms	17	268	135	124	95	48	21	42	750

The one-room cabin is rapidly disappearing from the town. Nearly ll the 17 one-room dwellings are old log cabins, although there are a ew frame tenements of this size. Such houses have one or two win- ows, a door, and usually a stone fireplace. They are from 15 to 20 eet square. The 134 two-room homes are mostly tenements. A large heaply built frame house is constructed so as to contain two such ten- ments. In such houses the kitchen, by a very sensible arrangement f the tenants, is usually upstairs and the living room on the first oor. The rooms are from 15 to 18 feet square and have two windows. he staircase in many instances is open, so that there is no way to shut ff the upper room. Three-room houses are generally owned by their

occupants, and are neater and more tasteful than the tenements. They are usually tiny, new frame structures, with two rooms, one above the other, at the front, and a small one-story addition, for the kitchen, in the rear. To this a small veranda is often added. Four-room houses are similar, with a room above the kitchen, or are built similar to the double tenement houses. The large houses generally follow the plan of the old Virginia mansion, with a wide hall and rooms on either side in both stories. Few of the houses have cellars and many are poorly built. Nearly all, however, are in healthful locations, with good water near by and a garden spot.

Of the 262 families, 6.5 per cent occupied one-room homes; 51.1 per cent, two-room homes; 17.2 per cent, three-room homes; 11.8 per cent, four-room homes, and 13.4 per cent, homes of five or more rooms. On an average there were 1.61 persons to a room and 2.9 rooms to a family. There are about 240 separate houses occupied by Negroes.

Of the 262 families, 114, or 43.5 per cent, own the homes they occupy, and 148 families, or 56.5 per cent, rent. The following table shows the number of families owning and renting homes by size of dwellings:

FAMILIES OWNING AND RENTING HOMES, BY NUMBER OF ROOMS TO A DWELLING.

Tenure.	Families occupying dwellings of—								Total families.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	6 rooms.	7 rooms.	8 or 9 rooms.	
Owners	3	25	31	22	18	8	3	4	11
Renters	14	109	14	9	1	.....	.....	1	14
Total families	17	134	45	31	19	8	3	5	26

Of these 148 tenants, 15 rent from Negroes and 133 from whites. Several of the tenants own land. The rents paid by 83 typical tenants are reported in the following table, and from these the total annual rent charge of this community is estimated at about $5,000:

RENTS PAID BY TYPICAL FAMILIES, BY NUMBER OF ROOMS TO A DWELLING.

Monthly rent.	Families occupying dwellings of—					Total families.	Annual rent paid.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms or more.		
Free	.....	1	.....	.....	.....	1	.....
$1.00	2	.....	.....	.....	.....	2	$2
$1.25	1	.....	.....	.....	.....	1	1
$1.50	3	.....	1	.....	.....	4	7
$2.00	1	9	1	.....	.....	11	26
$2.50	.....	15	1	.....	.....	16	48
$2.75	.....	1	.....	.....	.....	1	3
$3.00	.....	38	5	.....	.....	43	1,54
$3.50	.....	.....	1	3	.....	4	16
Total	7	64	9	3	.....	83	2,60
Not reported	7	45	5	6	2	65	*a* 2,26

a Estimated.

The total annual income of the 262 families is naturally very difficult to fix with accuracy. Written accounts are seldom kept, and many families could not answer if they would. However, wages do not vary much in the town, and by taking into account the usual wages received, the months employed during the year, the total wage earners in the family, and the general style of living, the accompanying estimate has been made, which seems to give a fair indication of the truth, although the possibility of error is considerable.

NUMBER OF FAMILIES, BY SIZE OF FAMILY AND ANNUAL INCOME.

Annual income.	Families of—									Total families.
	1 member.	2 members.	3 members.	4 members.	5 members.	6 members.	7 members.	8 members.	9 to 11 members.	
) or less	3	.....	1	.....	1	.....	.....	.....	.....	5
) to $75	5	4	1	1	.....	.....	.....	.....	.....	11
5 to $100	1	6	.....	3	.....	1	.....	.....	.....	11
)0 to $150	1	7	6	.....	2	2	1	.....	.....	19
50 to $200	.....	8	4	5	4	3	3	2	.....	29
)0 to $250	1	14	5	9	3	4	2	.....	2	40
50 to $350	.....	10	7	12	5	7	6	1	5	53
50 to $500	.....	1	7	13	7	1	4	5	6	44
)0 to $750	.....	2	1	3	6	7	3	8	5	35
50 or over	.....	.....	.....	.....	1	.....	.....	.....	5	6
t reported	2	.....	2	2	2	1	.....	.....	.....	9
Total families	13	52	34	48	31	26	19	16	23	262

Such figures are better understood when they are read in connection with figures as to the cost and scale of living in the community. The following price list of commodities usually bought by Negroes is therefore presented. The data were furnished by colored grocers.

PRICES OF COMMODITIES AT FARMVILLE.

Article.	Unit.	Price.	Article.	Unit.	Price.
od, etc.:			Food, etc.—Concluded.		
Fresh pork	Pound	$0.06	Butter	Pound	$0.12½ to $0.25
Pork steak	Pound	$0.08 to .10	Salt	Pound	.01
Beefsteak	Pound	.08 to .10	Herrings	Each	.01
Ham and bacon	Pound	.08 to .10	Eggs	Dozen	.10 to .12
Chickens	Each	.12½ to .15	Apples	Peck	.05 to .25
Hens	Each	.20 to .25	Apples, dried	Pound	.05
Turkeys	Pound	.07	Watermelons	Each	.01 to .20
Wheat flour	12-pound bag.	.35	Pepper	Pound	.15
			Milk	Quart	.06
Wheat flour	Barrel	4.00 to 4.50	Buttermilk	Gallon	.10
Corn meal	Peck	.11 to .12	Soap	Cake	.05
Rice	Pound	.05 to .06	Starch	Pound	.05
Cabbage	Head	.01 to .06	Fuel and lighting:		
Potatoes	Bushel	.50 to .60	Wood, uncut	Cord	2.00
Green corn	Ear	.01	Wood, cut	Cord	2.50
Tomatoes	Gallon	.05	Coal, bituminous	Ton	4.50
Peas	Quart	.05	Coal, anthracite	Ton	7.50
Beans	Quart	.05	Kerosene oil	Gallon	.15
Canned goods	Can	.08 to .10	Clothing:		
Tea	Pound	.40	Men's suits	Each	7.00 to 12.00
Coffee	Pound	.15 to .18	Boys' suits	Each	2.00 to 5.00
Sugar	Pound	.05 to .06	Women's dresses	Each	3.00 to 8.00
Lard	Pound	.07 to .08			

In this connection the following budgets, estimated by the three leading colored grocers of Farmville, are also given. The budgets relate to the yearly incomes and expenditures of three families, each consisting of 5 persons.

ESTIMATED ANNUAL INCOME AND EXPENDITURE OF FAMILY OF 5 PERSONS IN MODERATE CIRCUMSTANCES.

Income.		Expenditure.	
Items.	Amount.	Items.	Amoun
Head of family:		Food per week: 1 bag flour, 35 cents; 3 pounds meat, 25 cents; 3 pounds sugar, 18 cents; 1 pound coffee, 15 cents; 3 pounds lard, 25 cents; soap, etc., 8 cents; starch, 8 cents; milk, butter, eggs, and vegetables, 30 cents. 52 weeks, at $1.64 per week	$85.
24 weeks' labor in tobacco factory, at 75 cents per day	$108.00	Fuel and lighting: 1 load of wood per week for 20 weeks and 1½ loads per week for 32 weeks, at 40 cents per load, $27.20; oil, etc., 52 weeks, at 10 cents per week, $5.20	32.
16 weeks' labor on farm, at 40 cents per day	38.40	Clothing	50.
Housewife:		Rent	36.
50 weeks' labor on three family washings, at $1.50 per week	75.00	Miscellaneous	15.
		Total	218.
		Surplus	2.
Total	221.40	Total	221.

ESTIMATED ANNUAL INCOME AND EXPENDITURE OF FAMILY OF 5 PERSONS I POOR CIRCUMSTANCES.

Income.		Expenditure.	
Items.	Amount.	Items.	Amoun
Head of family:		Food, 52 weeks, at $1.50 to $2 per week	$91.
24 weeks of common labor, at 50 cents per day	$72.00	Fuel and lighting, 52 weeks, at 40 cents to 50 cents per week	23.
Odd jobs	30.00	Clothing: 1 suit, 2 pairs of pants, and 2 pairs of shoes, for man, $12; clothes for woman, $9; clothes for children, $4	25.
Housewife:		Rent	24.
20 weeks' work in canning factory, at 40 cents per day	48.00	Miscellaneous	10.
Boy:		Total	173.
12 months in service, at $2 per month	24.00	Surplus	.
Total	174.00	Total	174.

ESTIMATED ANNUAL INCOME AND EXPENDITURE OF FAMILY OF 5 PERSONS OWNING HOME AND IN MODERATE CIRCUMSTANCES.

Income.		Expenditure.	
Items.	Amount.	Items.	Amoun
Head of family:		Food per week: Flour, 30 cents; meal, 12 cents; sugar, 12 cents; coffee, 15 cents; lard, 16 cents; meat, 50 cents; soap, 5 cents; butter, 10 cents; miscellaneous, 50 cents. 52 weeks, at $2 to $2.50 per week	$117.
32 weeks' work as carpenter, at 75 cents per day	$144.00	Fuel	30.
Housewife and boy:		Clothing	60.
20 weeks' work as stemmers in tobacco factory, at $7 per week	140.00	Taxes	8.
		Miscellaneous	30.
		Total	245.
		Surplus	39.
Total	284.00	Total	284.

These budgets are not the actual written accounts of particular fam ilies, because it is difficult in an unlettered community to obtain suc accounts, but are based, as mentioned above, on the estimates of th three leading colored grocers, and represent the accounts of variou families who trade at their stores. As such they possess considerabl value. In the light of these budgets, and from actual observation, th

investigator has concluded that of the 262 families, about 29 live in poverty with less than suffices for ordinary comfort, 128 are in moderate circumstances, 63 are comfortable, and 42 well-to-do according to the standard of the town.

With fairly steady employment, and perhaps the aid of a grown son or daughter, an ordinary colored family finds it possible to buy a lot for from $50 to $100, and build a three-room house thereon at a cost of from $300 to $500. A building association composed of both colored and white shareholders, but largely conducted by the whites, has greatly facilitated the buying of property by Negroes. Ex-masters and white friends also have often helped. On the other hand, there have been flagrant cases of cheating the ignorant freedmen, and sometimes of making them pay twice for the same land.

The following detailed list of actual Negro taxpayers in the town in 1895, with their holdings, will best illustrate the division of property among them. Some changes have occurred since 1895, but not enough to make material difference.

ASSESSED VALUATION OF REAL ESTATE OWNED BY NEGROES WITHIN THE CORPORATION OF FARMVILLE, 1895.

Taxpayer number.	Assessed valuation.			Taxpayer number.	Assessed valuation.			Taxpayer number.	Assessed valuation.		
	Lots.	Buildings.	Total.		Lots.	Buildings.	Total.		Lots.	Buildings.	Total.
1	$25	.....	$25	41	$50	$200	$250	81	$100	$300	$400
2	50	.....	50	42	100	200	300	82	100	300	400
3	50	.....	50	43	100	200	300	83	100	300	400
4	50	.....	50	44	100	200	300	84	100	300	400
5	50	.....	50	45	100	200	300	85	50	450	500
6	75	.....	75	46	100	200	300	86	100	400	500
7	75	.....	75	47	100	200	300	87	200	300	500
8	75	.....	75	48	100	200	300	88	200	300	500
9	75	.....	75	49	100	200	300	89	100	400	500
10	75	.....	75	50	100	200	300	90	100	400	500
11	40	$60	100	51	100	200	300	91	50	450	500
12	50	50	100	52	100	200	300	92	200	300	500
13	100	.....	100	53	100	200	300	93	200	300	500
14	100	.....	100	54	100	200	300	94	100	400	500
15	100	.....	100	55	100	200	300	95	100	400	500
16	125	.....	125	56	100	200	300	96	100	400	500
17	140	.....	140	57	100	200	300	97	150	350	500
18	50	100	150	58	100	200	300	98	100	400	500
19	50	100	150	59	100	200	300	99	150	400	550
20	150	.....	150	60	50	250	300	100	100	500	600
21	75	100	175	61	100	200	300	101	100	500	600
22	50	150	200	62	100	250	350	102	200	400	600
23	100	100	200	63	100	250	350	103	100	500	600
24	100	100	200	64	100	250	350	104	200	400	600
25	50	150	200	65	150	200	350	105	250	350	600
26	100	100	200	66	50	300	350	106	150	500	650
27	100	100	200	67	50	300	350	107	200	500	700
28	50	150	200	68	150	200	350	108	150	550	700
29	100	100	200	69	75	300	375	109	200	600	800
30	50	150	200	70	150	250	400	110	200	600	800
31	100	100	200	71	100	300	400	111	100	700	800
32	100	100	200	72	200	200	400	112	200	700	900
33	125	125	250	73	100	300	400	113	200	800	1,000
34	50	200	250	74	100	300	400	114	200	800	1,000
35	50	200	250	75	100	300	400	115	200	1,200	1,400
36	100	150	250	76	100	300	400	116	400	1,100	1,500
37	50	200	250	77	100	300	400	117	150	1,400	1,550
38	50	200	250	78	100	300	400	118	200	1,600	1,800
39	100	150	250	79	100	300	400	119	1,500	1,300	2,800
40	50	200	250	80	100	300	400				

While the above table seems to show but 119 taxpayers, there were in reality 124 individual property holders among the Negroes, two or more in some cases holding a single piece of property.

Among the whites there were 232 holders of real estate. The largest assessed valuation placed upon real estate held by any one Negro of the town was $2,800; by any one white, $16,000. Seventy-seven whites owned $2,500 or more worth of real estate each.

In addition to the Negro realty holders in the town of Farmville, there were in the district of Farmville a considerable number of landowners, chiefly farmers. The detailed list of these shown in the statement following gives some idea of the size of farms held by Negroes in the surrounding county districts. Those owning lots from one-eighth to one-half of an acre in size live near town and are included in the general totals of this study, but not in the table above.

ASSESSED VALUATION OF REAL ESTATE OWNED BY NEGROES IN FARMVILLE DISTRICT, EXCLUSIVE OF THE TOWN OF FARMVILLE, 1895. (a)

Taxpayer number.	Acres owned.	Assessed valuation.			Taxpayer number.	Acres owned.	Assessed valuation.		
		Land.	Buildings.	Total.			Land.	Buildings.	Total.
1	0.50	$20	.....	$20	54	14.00	$110	$30	$140
2	5.00	25	.....	25	55	.25	50	100	150
3	.13	25	.....	25	56	2.00	100	50	150
4	3.00	30	.....	30	57	13.00	76	80	156
5	8.00	15	$25	40	58	12.00	80	100	180
6	4.00	40	.....	40	59	5.00	75	115	190
7	5.00	15	25	40	60	.25	100	100	200
8	5.00	15	25	40	61	20.00	150	50	200
9	1.00	40	.....	40	62	.50	100	100	200
10	5.25	17	25	42	63	.50	100	100	200
11	5.25	17	25	42	64	.25	100	100	200
12	4.50	20	25	45	65	.50	100	100	200
13	3.00	20	25	45	66	.50	100	100	200
14	4.50	45	.....	45	67	.25	100	100	200
15	.25	20	30	50	68	35.50	163	50	213
16	6.50	25	25	50	69	24.00	90	150	240
17	(b)	50	.....	50	70	50.00	225	25	250
18	.50	50	.....	50	71	.50	50	200	250
19	5.00	25	25	50	72	.25	50	200	250
20	3.00	26	25	51	73	.13	50	200	250
21	7.00	31	25	56	74	.50	50	200	250
22	1.50	60	.....	60	75	50.00	250	.....	250
23	1.50	60	.....	60	76	6.00	70	200	270
24	10.00	60	.....	60	77	.50	50	250	300
25	13.25	41	25	66	78	40.00	260	40	300
26	2.00	20	50	70	79	20.00	150	150	300
27	(b)	75	.....	75	80	30.25	253	50	303
28	1.00	25	50	75	81	44.00	58	250	308
29	10.00	30	50	80	82	52.00	212	100	312
30	2.00	80	.....	80	83	10.00	100	250	350
31	2.00	50	30	80	84	10.00	70	300	370
32	8.00	80	.....	80	85	55.00	185	200	385
33	16.00	87	.....	87	86	39.00	270	120	390
34	3.00	65	25	90	87	.25	100	300	400
35	9.50	45	50	95	88	.13	100	300	400
36	12.50	100	.....	100	89	40.00	200	200	400
37	.25	50	50	100	90	.50	50	350	400
38	.25	100	.....	100	91	.25	200	200	400
39	1.00	100	.....	100	92	.50	200	200	400
40	1.00	100	.....	100	93	100.00	350	50	400
41	(b)	100	.....	100	94	1.00	50	350	400
42	(b)	100	.....	100	95	1.00	50	350	400
43	10.00	75	25	100	96	.50	100	350	450
44	9.50	75	25	100	97	1.00	100	350	450
45	10.00	50	50	100	98	.13	50	450	500
46	10.00	50	50	100	99	.13	50	450	500
47	.50	50	50	100	100	.25	200	300	500
48	1.00	40	60	100	101	110.00	585	75	660
49	.25	100	.....	100	102	57.88	502	250	752
50	10.50	80	25	105	103	139.00	534	300	834
51	23.33	82	25	107	104	121.00	1,536	400	1,936
52	10.00	125	.....	125	105	8.50	890	1,850	2,740
53	12.50	125	.....	125					

a The county is divided into several districts, one of which is called Farmville district; a small part of this district is incorporated and called the town of Farmville.

b Not reported.

A SIDE LIGHT: ISRAEL HILL.

By the will of John Randolph, of Roanoke, his slaves were emancipated at his death in 1833. By a similar act on the part of another member of the Randolph family a number of slaves were emancipated and given a tract of land in the district of Farmville called Israel Hill, and situated about 2 miles west of the town. The descendants of these slaves still live here, and their peculiar situation together with the smallness of this farming community makes a brief study of its conditions valuable for the light it throws on Farmville conditions.

In this community many disturbing factors in Negro development are eliminated. Race antagonism is in its lowest terms, because there is but one white family near the community. The land question is partly settled, because nearly all the farmers own their land. One economic problem, however, remains unsettled, and that is the problem of sufficient paying employment for men and women. This economic demand, and its attempted settlement by wholesale emigration to a neighboring industrial center, receives curious illustration in the case of Israel Hill and Farmville.

August 1, 1897, Israel Hill had a population of 123 inhabitants. The numbers are too small to warrant positive conclusions, and yet it is noticeable what a gap the emigration of the young men and women has left. Only a fourth of the total population reporting as to age are between the ages of 20 and 50, although under normal conditions this part of a community is about 40 per cent of the whole. The accompanying table gives in detail the population of Israel Hill, by sex and age periods:

POPULATION OF ISRAEL HILL, BY SEX AND AGE PERIODS.

Age periods.	Males.	Females.	Total.
1 to 9 years	14	11	25
10 to 19 years	12	9	21
20 to 29 years	11	2	13
30 to 39 years	.....	3	3
40 to 49 years	3	6	9
50 to 59 years	5	12	17
60 to 69 years	3	2	5
70 to 79 years	2	.....	2
80 to 89 years	2	1	3
Not reported	12	13	25
Total	64	59	123

The economic stress is also exemplified in the conjugal condition of the group. Only one person under 30 years of age of those reporting is married. Of all the men reporting who were above 20 years of age, two-fifths are bachelors, and of the women 4 out of 26 are unmarried. The following table gives the conjugal condition in detail, by sex and age periods.

CONJUGAL CONDITION OF POPULATION OF ISRAEL HILL, BY SEX AND AGE PERIODS.

Age periods.	Males.				Females.				Total.
	Single.	Married.	Widowed.	Not reported.	Single.	Married.	Widowed.	Not reported.	
20 to 29 years	10	1	.....	.....	2	.....	.....	.....	13
30 to 39 years	.....	.....	.....	.....	.....	3	.....	.....	3
40 to 49 years	.....	3	.....	.....	2	3	1	.....	9
50 to 59 years	.....	5	.....	.....	.....	8	4	.....	17
60 to 69 years	.....	3	.....	.....	.....	1	1	.....	5
70 years or over	.....	2	2	.....	.....	1	.....	.....	5
Not reported	.....	.....	.....	12	.....	.....	.....	13	25
Total	10	14	2	12	4	16	6	13	77

Regarding the conditions as to illiteracy, shown in detail in the table following, we find that 32, or 43 per cent, of those over 10 years of age who reported are wholly illiterate; 10, or 14 per cent, can read, and 32, or 43 per cent, can read and write:

LITERATES AND ILLITERATES OF POPULATION OF ISRAEL HILL, BY SEX AND AGE PERIODS.

Age periods.	Males.					Females.				
	Able to read and write.	Able to read.	Illiterate.	Not reported.	Total.	Able to read and write.	Able to read.	Illiterate.	Not reported.	Total.
10 to 20 years	6	4	4	.....	14	5	2	2	.....	9
21 to 30 years	7	.....	2	.....	9	.....	1	1	.....	2
31 to 40 years	.....	.....	.....	.....	.....	2	.....	2	.....	4
41 years or over	11	1	3	.....	15	1	2	18	.....	21
Not reported	.....	.....	.....	12	12	.....	.....	.....	13	13
Total	24	5	9	12	50	8	5	23	13	49

There is a small schoolhouse in the midst of the settlement where a Farmville teacher holds a session of about five months each year. Of the 36 children between 5 and 20 years of age, 16 attended school; of those between 5 and 15 years old, 14 attended school. Of the children under 10 years of age, 3 were illegitimate. The following table gives the school attendance in detail:

SCHOOL ATTENDANCE AT ISRAEL HILL, BY SEX AND AGE PERIODS.

Age periods.	Males.		Females.	
	Population.	In school.	Population.	In school.
5 to 10 years	10	4	6	3
11 to 15 years	7	4	5	3
16 to 20 years	6	.....	2	2
Total	23	8	13	8

The men are mostly employed at farming or in the tobacco factories of Farmville, whither they can walk each day. The women are generally engaged in housework and farming; a few are at service and in the Farmville tobacco factories. The question of employment is a

serious one here. Farming alone on the small, impoverished farms, far from a market, does not at present pay. If, however, one can follow it as a side occupation and earn fair wages at something else he can live prosperously. Thus the carpenters and masons are in a flourishing condition, with neat, new frame houses and decent-looking farms. The factory hands and those who have grown children working at service in the North or elsewhere do next best. The rest, however, have a hard time scratching sustenance from the earth and living in the same ancient one-room cabins in which their fathers lived. The following table gives the occupations in detail, by sex and age periods:

OCCUPATIONS OF POPULATION OF ISRAEL HILL, BY SEX AND AGE PERIODS.

Occupations.	11 to 15 years.	16 to 20 years.	21 to 30 years.	31 to 40 years.	41 years or over.	Age unknown.	Total.
MALES.							
Brick mason					1		1
Carpenters					3		3
Farm laborers	2	2	4		3		11
Farmers			1		5		6
Laborer	1						1
Tobacco-factory employees		4	3		1		8
Waiter			1				1
Not reported						12	12
At home	1				2		3
At school	3						3
Total males	7	6	9		15	12	49
FEMALES.							
Day worker					1		1
Domestic servants	1			1			2
Farmers					4		4
Housewives and at work					2		2
Tobacco-factory employees	1		2				3
Not reported						13	13
Housewives				2	11		13
At home					3		3
At school	3	2					5
Total females	5	2	2	3	21	13	46
Total males and females	12	8	11	3	36	25	95

Some newcomers have disturbed the calm of this sleepy village. Of the 98 inhabitants of Israel Hill who reported their place of birth, 57 persons, or 58 per cent, were born in the settlement, 11 persons were born in Prince Edward County outside of Israel Hill, and all of the others, except 1 born in Kentucky, were born in adjoining counties. Those who have come from elsewhere have generally come through marriage. Twenty-five did not report their birthplaces.

Of the 25 families 22 own their homes. The other 3 rent of colored landlords, and 1 of the renters owns land. The holdings of land vary from 4.5 to 35.5 acres, and the farms and buildings are assessed at sums ranging from $10 to $300, the total assessed value of the community's real estate being about $2,500 or $3,000.

Seven of the 25 families live in one-room log cabins; 9 live in two-room log cabins, i. e., cabins with a lower room and a loft for sleeping purposes; 3 live in neat three-room frame houses, and 6 live in houses

of four rooms or more. The average size of the families is 4.9 members. The real family, i. e., parents and all living children, is much larger than this. There are 13 families of five or more members, 4 of four members, 2 of three, 5 of two, and 1 of one member. There are about 2 persons to a room and 2.5 rooms to a family.

On the whole, this little hamlet presents two pictures in strange juxtaposition—one of discouragement, stagnation, and retrogression, the other of enterprise and quiet comfort. The key to the situation is the migration of the youth. Where a prospect of profitable employment has kept them at home the community has correspondingly prospered; but where they have been compelled, or thought themselves compelled, to seek work elsewhere and have left the farm and the old folks and children and gone to Farmville or farther their homes have fallen generally into decay.

GROUP LIFE.

The Negroes of Farmville, Israel Hill, and the neighboring county districts form a closed and in many respects an independent group life. They live largely in neighborhoods with one another, they have their own churches and organizations and their own social life, they read their own books and papers, and their group life touches that of the white people only in economic matters. Even here the strong influence of group attraction is being felt, and Negroes are beginning to patronize either business enterprises conducted by themselves or those conducted in a manner to attract their trade. Thus, instead of the complete economic dependence of blacks upon whites, we see growing a nicely adjusted economic interdependence of the two races, which promises much in the way of mutual forbearance and understanding.

The most highly developed and characteristic expression of Negro group life in this town, as throughout the Union, is the Negro church. The church is, among American Negroes, the primitive social group of the slaves on American soil, replacing the tribal life roughly disorganized by the slave ship, and in many respects antedating the establishment of the Negro monogamic home. The church is much more than a religious organization; it is the chief organ of social and intellectual intercourse. As such it naturally finds the free democratic organizations of the Baptists and Methodists better suited to its purpose than the stricter bonds of the Presbyterians or the more aristocratic and ceremonious Episcopalians. Of the 262 families of Farmville, only 1 is Episcopalian and 3 are Presbyterian; of the rest, 26 are Methodist and 218 Baptist. In the town of Farmville there are 3 colored church edifices, and in the surrounding country there are 3 or 4 others.

The chief and overshadowing organization is the First Baptist Church of Farmville. It owns a large brick edifice on Main street. The auditorium, which seats about 500 people, is tastefully finished in light wood with carpet, small organ, and stained-glass windows. Beneath this is

a large assembly room with benches. This building is really the central clubhouse of the community, and in greater degree than is true of the country church in New England or the West. Various organizations meet here, entertainments and lectures take place here, the church collects and distributes considerable sums of money, and the whole social life of the town centers here. The unifying and directing force is, however, religious exercises of some sort. The result of this is not so much that recreation and social life have become stiff and austere, but rather that religious exercises have acquired a free and easy expression and in some respects serve as amusement-giving agencies. For instance, the camp meeting is simply a picnic, with incidental sermon and singing; the rally of country churches, called the "big meeting," is the occasion of the pleasantest social intercourse, with a free barbecue; the Sunday-school convention and the various preachers' conventions are occasions of reunions and festivities. Even the weekly Sunday service serves as a pleasant meeting and greeting place for working people who find little time for visiting during the week.

From such facts, however, one must not hastily form the conclusion that the religion of such churches is hollow or their spiritual influence bad. While under present circumstances the Negro church can not be simply a spiritual agency, but must also be a social, intellectual, and economic center, it nevertheless is a spiritual center of wide influence; and in Farmville its influence carries nothing immoral or baneful. The sermons are apt to be fervent repetitions of an orthodox Calvanism, in which, however, hell has lost something of its terrors through endless repetition; and joined to this is advice directed against the grosser excesses of drunkenness, gambling, and other forms disguised under the general term "pleasure" and against the anti-social peccadillos of gossip, "meanness," and undue pride of position. Very often a distinctly selfish tone inculcating something very like sordid greed and covetousness is, perhaps unconsciously, used; on the other hand, kindliness, charity, and sacrifice are often taught. In the midst of all, the most determined, energetic, and searching means are taken to keep up and increase the membership of the church, and "revivals," long-continued and loud, although looked upon by most of the community as necessary evils, are annually instituted in the August vacation time. Revivals in Farmville have few of the wild scenes of excitement which used to be the rule; some excitement and screaming, however, are encouraged, and as a result nearly all the youth are "converted" before they are of age. Certainly such crude conversions and the joining of the church are far better than no efforts to curb and guide the young.

The Methodist church, with a small membership, is the second social center of Farmville, and there is also a second Baptist church, of a little lower grade, with more habitual noise and shouting.

Next to the churches in importance come the secret and beneficial organizations, which are of considerable influence. Their real function is to provide a fund for relief in cases of sickness and for funeral

expenses. The burden which would otherwise fall on one person or family is, by small, regular contributions, made to fall on the group. This business feature is then made attractive by a ritual, ceremonies, officers, often a regalia, and various social features. On the whole, the societies have been peculiarly successful when we remember that they are conducted wholly by people whose greatest weakness is lack of training in business methods.

The oldest society is one composed of 40 or 50 women—the Benevolent Society—which has been in existence in Farmville for over twenty years. There is a local lodge of Odd Fellows with about 35 members, which owns a hall. The Randolph Lodge of Masons has 25 members, and holds its sessions in a hired hall, together with the Good Samaritans, a semireligious secret order, with 25 local members. One of the most remarkable orders is that of the True Reformers, which has headquarters in Richmond, conducts a bank there, and has real estate all over Virginia. There are two "fountains" of this order in Farmville, with perhaps 50 members in all.

There have lately been some interesting attempts at cooperative industrial enterprises, and some capital was collected. Nothing tangible has, however, as yet resulted.

There is a genial and pleasant social life maintained among the Farmville Negroes, clustering chiefly about the churches. Three pretty distinctly differentiated social classes appear. The highest class is composed of farmers, teachers, grocers, and artisans, who own their homes, and do not usually go out to domestic service; the majority of them can read and write, and many of the younger ones have been away to school. The investigator met this class in several of their social gatherings; once at a supper given by one of the grocers. The host was a young man in the thirties, with good common school training. There were eight in his family—a mother-in law, wife, five children, and himself. The house, a neat two-story frame, with 6 or 8 rooms, was on Main street, and was recently purchased of white people at a cost of about $1,500. There was a flower and vegetable garden, cow and pigs, etc. The party consisted of a mail clerk and his wife; a barber's wife, the widowed daughter of the wood merchant; a young man, an employee in a tobacco factory, and his wife, who had been in service in Connecticut; a middle aged woman, graduate of Hampton, and others. After a preliminary chat, the company assembled in a back dining room. The host and hostess did not seat themselves, but served the company with chicken, ham, potatoes, corn, bread and butter, cake, and ice cream. Afterwards the company went to the parlor and talked, and sang—mostly hymns—by the aid of a little organ, which the widow played. At another time there was a country picnic on a farm 20 miles from town. The company started early and arrived at 10 o'clock on a fine old Virginia plantation, with manor house, trees, and lawn. The time was passed in playing croquet, tossing the bean bag, dancing, and lunching.

Again, a considerable company was invited to a farm house about a mile from town, near Israel Hill, where an evening was passed in eating and dancing.(a) Often the brickmaker opened his hospitable door and entertained with loaded tables and games of various sorts.

Among this class of people the investigator failed to notice a single instance of any action not indicating a thoroughly good moral tone. There was no drinking, no lewdness, no questionable conversation, nor was there any one in any of the assemblies against whose character there was any well-founded accusation. The circle was, to be sure, rather small, and there was a scarcity of young men. It was particularly noticeable that three families in the town, who, by reason of their incomes and education would have naturally moved in the best circle, were rigidly excluded. In two of these there were illegitimate children, and in the third a wayward wife. Of the Farmville families about 40—possibly fewer—belonged to this highest class.

Leaving the middle class for a moment, let us turn to the Farmville slums. There are three pretty well-defined slum districts—one near the railroad, one on South street, and one near the race track. In all, there would appear to be about 45 or 50 families of Negroes who are below the line of ordinary respectability, living in loose sexual relationship, responsible for most of the illegitimate children, chief supporters of the two liquor shops, and furnishing a half-dozen street walkers and numerous gamblers and rowdies. It is the emigration of this class of people to the larger cities that has recently brought to notice the large number of Negro criminals and the development of a distinct criminal class among them. Probably no people suffer more from the depredations of this class than the mass of colored people themselves, and none are less protected against them, because the careless observer overlooks patent social differences and attributes to the race excesses indulged in by a distinctly differentiated class. These slum elements are not particularly vicious and quarrelsome, but rather shiftless and debauched. Laziness and promiscuous sexual intercourse are their besetting sins. Considerable whisky and cider are consumed, but there is not much open drunkenness. Undoubtedly this class severely taxes the patience of the public authorities of the town.

The remaining 170 or more families, the great mass of the population, belong to a class between the two already described, with tendencies distinctly toward the better class rather than toward the worse. This class is composed of working people, domestic servants, factory hands, porters, and the like; they are a happy minded, sympathetic people, teachable and faithful; at the same time they are not generally very energetic or resourceful, and, as a natural result of long repression, lack "push." They have but recently become used to responsibility, and their moral standards have not yet acquired that fixed character and superhuman sanction necessary in a new people. Here and there

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a Dancing, although indulged in somewhat, is frowned upon by the churches and is not a general amusement with the better classes.

their daughters have fallen before temptation, or their sons contracted slothful or vicious habits. However, the effort to maintain and raise the moral standard is sincere and continuous. No black woman can to-day, in the town of Farmville, be concubine to a white man without losing all social position—a vast revolution in twenty years; no black girl of the town can have an illegitimate child without being shut off from the best class of people and looked at askance by ordinary folks. Usually such girls find it pleasanter to go North and work at service, leaving their children with their mothers.

Finally, it remains to be noted that the whole group life of Farmville Negroes is pervaded by a peculiar hopefulness on the part of the people themselves. No one of them doubts in the least but that one day black people will have all rights they are now striving for, and that the Negro will be recognized among the earth's great peoples. Perhaps this simple faith is, of all products of emancipation, the one of the greatest social and economic value.

CONCLUSION.

A study of a community like Farmville brings to light facts favorable and unfavorable, and conditions good, bad, and indifferent. Just how the whole should be interpreted is perhaps doubtful. One thing, however, is clear, and that is the growing differentiation of classes among Negroes, even in small communities. This most natural and encouraging result of 30 years' development has not yet been sufficiently impressed upon general students of the subject, and leads to endless contradiction and confusion. For instance, a visitor might tell us that the Negroes of Farmville are idle, unreliable, careless with their earnings, and lewd; another visitor, a month later, might say that Farmville Negroes are industrious, owners of property, and slowly but steadily advancing in education and morals. These apparently contradictory statements made continually of Negro groups all over the land are both true to a degree, and become mischievous and misleading only when stated without reservation as true of a whole community, when they are in reality true only of certain classes in the community. The question then becomes, not whether the Negro is lazy and criminal, or industrious and ambitious, but rather what, in a given community, is the proportion of lazy to industrious Negroes, of paupers to property holders, and what is the tendency of development in these classes. Bearing this in mind, it seems fair to conclude, after an impartial study of Farmville conditions, that the industrious and property accumulating class of the Negro citizens best represents, on the whole, the general tendencies of the group. At the same time, the mass of sloth and immorality is still large and threatening.

How far Farmville conditions are true elsewhere in Virginia the present investigator has no means of determining. He sought by inquiry and general study to choose a town which should in large degree typify the condition of the Virginia Negro to-day. How far Farmville fulfills this wish can only be determined by further study.

INCOMES, WAGES, AND RENTS IN MONTREAL.

BY HERBERT BROWN AMES, B. A.

The commercial metropolis of Canada is the city of Montreal. Situated at the point of union between the St. Lawrence system and ocean navigation, it is naturally the center of the trading, manufacturing, and distributing interests of the Dominion. With a population of nearly 250,000 souls, Montreal exhibits therein the largest aggregation of industrial workers to be found, and affords a field for the study of the phenomena of associated human life unexcelled throughout British North America.

The national and civic authorities are just awakening to the need of accurate sociological data concerning Montreal, and information from official sources regarding incomes, wages, rents, etc., among the residents of this important city being but scanty, recourse is necessary to somewhat incomplete returns from private investigation.

During the autumn and winter of 1896 a private industrial census was taken of a district deemed to be of sufficient area and population to give averages fairly characteristic of the entire city. The canvassers were instructed to obtain information upon the following points: Regarding each place of employment, the number of workers and their division into men, women, and children; regarding each residence, the number of families therein, number of rooms per family, number of persons in family and the proportion thereof of adults, school children, young children, and lodgers, the rental paid, the wages earned, the sanitary accommodation, the nationality, and other similar matters. The results of this house-to-house canvass have recently been published in a monograph entitled The City Below the Hill, and as this is the first and as yet the only effort of the kind that has been made, it is permissible to utilize its results as a groundwork for the present article.

The City Below the Hill is the name given to a typical industrial district of Montreal. The locality comprises about one-sixth of the entire city, constituting its southeastern portion. To those acquainted with Montreal it will be readily recognized when described as the lower half of St. Antoine Ward and all of St. Ann's Ward except Point St. Charles. The district canvassed was divided into thirty sections, and the results of the industrial census were worked out not only for the entire district but for the several sections comprising it.

For many reasons the district chosen was especially adapted to sociological investigation. In the first place, it contained nearly equal proportions of the three nationalities, French-Canadian, British-Canadian, and Irish Canadian, of which the city population is composed. The choice of any other industrial section would have confined the investigation to the study of a single race in a mixed community. Again, the district was, in the main, fairly homogeneous with regard to the social status of its inhabitants. Nearly all the families resident therein were dependent upon local industries, and at least 75 per cent of them belonged to the real industrial class. Yet, again, natural boundaries separated the district from adjoining territory. Were one to pass its western limit, he would be required to ascend a considerable hill, and in so doing would enter the exclusive habitat of the well-to-do. Passing across the northern boundary, the heart of the city, with streets devoted wholly to warehouses and stores, would be reached. To the east lies what is known as Point St. Charles, a distinctly separate community gathered around the offices and workshops of the Grand Trunk Railway, the residents of which have little communication with the adjoining district. The only arbitrary limit lies to the southward, where the city line separates the district from the outlying municipality of St. Cunegonde. On the whole, however, no portion of Montreal could have been chosen for sociological study whose boundaries so naturally separated it from dissimilar localities.

In the main the district is low-lying and level. Through its center passes the Lachine Canal, while its eastern border extends to the River St. Lawrence. The two leading railways of Canada, the Grand Trunk and the Canadian Pacific, have their central stations within its bounds. In extent it is about a square mile and includes 475 acres actually utilized for purposes of business or residence. It furnishes employment for 16,237 persons and contains 7,671 families. The total number of wage earners employed exceeds that of wage earners resident by 5,384, a fact which proves that the district is capable of sustaining, by means of the industries therein operated, a much larger number of families than it now contains, and that with suitable dwellings every wage worker employed therein might live in comfort and health within easy walking distance of his place of employment.

The table following contains the results of the unofficial industrial census upon matters relating to family incomes and workers' wages in the district selected for investigation. At the bottom of the table are given general averages for the entire district, while opposite the number of each subdivision is the sectional average, showing local variations.

STATISTICS RELATING TO INCOMES AND WAGES.

Section.	Character of section.	Families.	Wage earners.	Wage earners per family.	Total weekly income.	Average weekly income per family.	Average weekly wage per worker.
1	Well-to-do	181	257	1.42	$2,130	$11.77	$8.29
2	Well-to-do	104	124	1.19	1,462	14.06	11.79
3	Well-to-do	134	167	1.25	2,100	15.67	12.57
4	Largely manufacturing	157	218	1.39	2,024	12.89	9.28
5	Industrial	344	446	1.30	3,796	11.03	8.51
6	Largely well-to-do	262	390	1.49	3,777	14.42	9.68
7	Industrial	259	399	1.54	3,400	13.13	8.52
8	Industrial	253	397	1.57	2,663	10.53	6.71
9	Well-to-do	178	218	1.22	2,840	15.96	13.03
10	Industrial	311	469	1.50	3,412	10.97	7.28
11	Industrial	209	288	1.38	2,404	11.50	8.35
12	Industrial	301	410	1.36	2,972	9.87	7.25
13	Typical industrial	661	910	1.38	6,286	9.51	6.91
14	Typical industrial	496	769	1.55	5,651	11.39	7.35
15	Typical industrial	457	618	1.35	4,901	10.72	7.93
16	Typical industrial	227	316	1.39	2,397	10.56	7.59
17	Typical industrial	267	382	1.43	3,250	12.17	8.51
18	Industrial	249	316	1.27	2,659	10.68	8.41
19	Industrial	193	285	1.48	2,307	11.95	8.09
20	Industrial	157	227	1.45	1,867	11.89	8.22
21	Mainly commercial	84	98	1.17	681	8.11	6.95
22	Largely irregular work	356	470	1.32	2,920	8.20	6.21
23	Largely irregular work	136	178	1.31	1,093	8.04	6.14
24	Largely irregular work	394	543	1.38	3,442	8.74	6.34
25	Typical industrial	450	672	1.49	4,857	10.79	7.23
26	Industrial	97	142	1.46	1,065	10.98	7.50
27	Mostly nonresidential	3	5	1.67	38	12.67	7.60
28	Typical industrial	284	439	1.55	3,468	12.21	7.90
29	Typical industrial	131	188	1.43	1,459	11.14	7.76
30	Typical industrial	336	512	1.52	3,677	10.94	7.18
Total		7,671	10,853	1.41	84,998	11.08	7.83

Section.	Average weekly income per family, industrial class.	Average weekly wage per worker, industrial class.	Percentage of families with—		Percentage of—			Estimated average weekly income of the poor.
			Regular incomes.	Irregular incomes.	Well-to-do families.	Industrial families.	Poor families.	
1	$10.28	$6.64	72	28	24	60	16	$4.13
2	11.10	10.07	81	19	41	47	12	4.83
3	11.20	9.74	94	6	52	45	3	4.50
4	9.25	7.09	80	20	37	52	11	4.41
5	9.71	7.86	93	7	16	78	6	4.15
6	12.36	8.94	96	4	32	63	5	4.38
7	12.45	8.45	90	10	29	62	9	4.28
8	11.38	7.30	80	20	8	76	16	4.35
9	13.52	11.96	99	1	37	63	.....	.....
10	11.01	7.37	85	15	8	80	12	4.56
11	8.95	6.50	84	16	25	66	9	4.61
12	9.47	6.67	76	24	10	77	13	4.60
13	9.29	6.76	78	22	8	79	13	4.52
14	10.18	6.92	82	18	16	74	10	4.50
15	10.11	7.98	78	22	10	80	10	4.76
16	9.30	6.65	73	27	19	63	18	4.28
17	10.48	7.90	90	10	16	81	3	4.75
18	10.60	7.89	76	24	13	76	11	4.50
19	10.66	7.64	83	17	14	84	2	4.00
20	10.65	7.82	82	18	12	86	2	4.33
21	8.17	6.68	54	46	6	75	19	4.12
22	8.92	6.37	62	38	2	76	22	4.48
23	8.45	6.51	62	38	5	69	26	4.51
24	9.34	6.50	55	45	6	67	27	4.27
25	10.15	7.03	59	41	11	79	10	4.15
26	10.88	7.36	69	31	11	73	16	4.80
27	.....	.....	.....	.....	.....	.....	.....	.....
28	11.40	7.60	79	21	14	78	8	4.84
29	9.91	7.20	71	29	18	71	11	4.66
30	10.46	7.00	74	26	12	76	12	4.80
Total	10.20	7.33	78	22	15	73	12	4.46

The composition of the family is the first subject for investigation. It was found that the 7,671 families aggregated 37,652 persons. Of these persons, 25,051 were sixteen years of age or upward, and might reasonably be regarded as adults. These 25,051 adults were again divisible into three classes, viz, the wage earners, male and female, numbering 10,853; the home tenders, numbering 11,720, and the lodgers, numbering 2,478. The children numbered 12,601, divisible into two classes, viz, children of school age, of whom there were 6,948, and young children of five years or under, of whom there were 5,653. Deducing from these figures an average, the typical family will be found to contain 4.90 persons. Of this number 1.41 work for wages and are the family's support; 1.53 remain at home and contribute more or less to its care; 1.64 represent the children, of whom 0.91 is of school age and 0.73 an infant in the house. To every third family there is assignable one lodger. With this latter element eliminated, our typical family would be reduced to 4.58 individuals. These proportions may be more graphically expressed by imagining a block to contain 30 families. In such case we would expect to find 147 persons, 42 of whom would be wage earners, 46 would be home tenders, 10 would be lodgers, 27 children of school age, and 22 infants. These figures represent the relative proportions of the various elements in the average family of the district under consideration.

Knowing now what proportion of the average family contributes to the common purse, an examination of the amount earned may next be taken up. As near as can be ascertained, the average aggregate income per week throughout the year for all the families under examination amounts to $84,998, equivalent to $11.08 per week for each family, or about $2.25 for each man, woman, and child resident within the district. Localities vary greatly in the family averages, which range from $15.96 in section 9 to $8.04 in section 23. The sixteen sections inhabited more especially by industrial workers exhibit a sequence as follows: $9.51, $9.87, $10.53, $10.68, $10.72, $10.79, $10.94, $10.97, $10.98, $11.03, $11.14, $11.39, $11.89, $11.95, $12.17, $12.21. From this it is evident that a range of family incomes from $9.50 to $12.25 per week may be regarded as characteristic, when all classes are included. Adopting a somewhat different method of dealing with the figures by attempting to analyze the whole and to classify the families according to weekly incomes, we have the following: Of class A, the well-to-do, with a regular family income of $20 or more, 10 per cent; of class B, where the family income ranges from $15 regularly received to $20 irregularly received, 12 per cent; of class C, where the family income ranges from $10 regularly received to $15 irregularly received, 23 per cent; of class D, where the family income ranges from $7.50 regularly received to $10 irregularly received, 28 per cent; of class E, where the family income ranges from $5 regularly received to $7.50 irregularly received, 17 per cent; of class F, where the family income is not more than $5 irregularly received and often even less than that amount, 10 per cent.

Now class A, to which belongs the shopkeepers, hotel men, saloon keepers, resident professional men, and landowners, being of the well-to-do, and class F, wherein are included the "defectives, dependents, and delinquents," or those families which through force of circumstances or depravity are upon the lowest scale of living, ought not properly to be taken into account when seeking to ascertain the family income of the regular industrial workers. Having eliminated these two elements from the calculation, the average family income of the real industrial class alone, throughout the thirty sections, will be found to be $10.20 per week, or 88 cents less than the figures given where all classes were included. That this last result adequately expresses the condition of the working class can be further verified by taking into consideration only the sixteen sections more especially inhabited by this class, when a family average of $10.07 per week will be the result. Therefore from $10 to $10.25 per week may safely be taken as the family income of the real industrial class in the district of Montreal under investigation.

An attempt at ascertaining the regularity with which incomes were received brought out the following information: Although all families containing at least one regular worker, and all households receiving for a considerable portion of the year at least $10 per week, were classified as in receipt of regular incomes and therefore eliminated, there still remained 1,724 families, or 22.5 per cent of the total number, whose small incomes could not be depended upon as constant or regular throughout the year. Of course this included instances of alternative trades. This irregularity of employment was found to vary greatly with the locality, being most in evidence along the river front, where the proportion was as high as two families out of every five. That nearly one-fourth of the industrial workers are not steadily employed throughout the year at the same kind of work is a fact that accounts largely for the low figures of the average income.

When the canvass was being prosecuted an endeavor was made to obtain access to the weekly pay rolls of various business establishments. Many managers, however, were unwilling to furnish information upon such matters to enumerators reenforced by no official sanction, and the returns, being incomplete, were of little value. It becomes necessary, therefore, to fall back upon an analysis of family incomes in order to approximately determine the scale of wages in force among the workers.

We have already seen that the average family contains 1.41 wage earners. The aggregate income of $84,998 per week was the combined reward of 10,853 wage earners, giving a contribution of $7.83 per individual worker when all classes of society were included. The families of the industrial workers alone, however, received through 7,794 wage earners the sum of $57,139 per week, or $7.33 per worker, which latter estimate more truly represents industrial Montreal. Taking the real industrial class families alone in 16 sections the series of weekly averages per worker ran $6.67, $6.76, $6.92, $7, $7.03, $7.20, $7.30, $7.36,

$7.37, $7.60, $7.64, $7.82, $7.86, $7.89, $7.90, $7.98. From $6.50 to $8 per worker, therefore, may be taken as the range of wages.

When investigating the question of employment throughout this district of Montreal, it was ascertained that 77 per cent of those locally employed were men, 20 per cent were women, and 3 per cent were children from 14 to 16 years of age. If this proportion were maintained throughout the industrial population just examined, and we have no reason to believe that any considerable variation would be encountered, then of the 7,794 wage earners 6,001 would be men, 1,559 women, and 234 children. If the men be credited as capable of earning $8.25 per week, the women $4.50 per week, and the children $3 per week, it will practically account for the $57,139, the total amount earned by these 7,794 workers. This estimate fairly represents wage averages in Montreal.

The housing problem for this part of industrial Montreal comes next for consideration. Two principal questions naturally arise: First, What is the character of the home accommodation now furnished to the working classes? And, second, How much is the wage earner required to pay for what he receives? Following are presented in tabular form statistics relating to the homes of the wage earners in the district canvassed:

STATISTICS RELATING TO HOMES OF WAGE EARNERS.

Section.	Dwellings.	Tenements.	Tenements per dwelling.	Rooms per family.	Average number of persons to each occupied room.	Density of population per acre.	Percentage of—	
							Front tenements.	Unoccupied tenements.
1	135	198	1.47	6.28	0.92	95	89	9
2	92	121	1.32	7.20	.86	87	85	14
3	114	145	1.27	7.27	.74	80	96	8
4	132	166	1.26	5.93	.87	72	96	5
5	244	375	1.54	a 5.64	.98	121	95	8
6	163	279	1.71	6.85	.78	141	99	6
7	192	301	1.57	6.40	.77	80	90	14
8	178	283	1.59	6.06	.88	134	91	11
9	114	207	1.82	7.71	.60	74	100	14
10	193	334	1.73	5.53	.94	148	97	7
11	129	224	1.74	b 6.39	.84	164	77	7
12	172	334	1.94	4.39	1.08	143	89	10
13	328	706	2.15	3.99	1.10	149	61	6
14	276	534	1.93	4.77	1.01	168	86	7
15	244	506	2.07	4.28	1.04	215	89	10
16	158	267	1.69	c 5.78	.90	58	85	15
17	188	299	1.59	4.74	1.05	95	94	11
18	125	266	2.13	4.24	1.14	96	93	6
19	130	212	1.63	4.80	.98	64	91	9
20	88	180	2.05	4.60	1.09	54	93	13
21	54	96	1.78	4.31	1.12	23	100	13
22	197	374	1.90	4.49	1.00	103	96	5
23	76	147	1.93	4.51	1.05	42	99	7
24	205	424	2.07	4.18	1.19	113	95	7
25	260	480	1.85	4.26	1.09	149	96	6
26	56	101	1.80	3.99	1.15	16	97	4
27	3	3	.....	.....	.....	.....	.....	.....
28	183	313	1.71	4.21	1.13	109	93	9
29	80	147	1.84	4.66	1.08	30	90	11
30	200	368	1.84	4.43	1.08	68	93	9
Total	4,709	8,390	1.78	5.02	.98	83	90	9

a 5.44 excluding hotels. b 5.52 excluding hotels. c 4.67 excluding hotels.

STATISTICS RELATING TO HOMES OF WAGE EARNERS—Concluded.

Section.	Percentage of occupied tenements with water-closets.	Average monthly rental per family.	Percentage of rental of income.	Estimated rent value per room per month of model accommodation.	Actual rental paid per room per month.	Distance in miles from city center.	Persons employed within one-fourth mile.	Death rate per 1,000.
1	80	$12.11	24	$2.60	$1.93	0.1	7,000	18.18
2	84	15.02	25	2.60	2.09	.3	6,000	23.16
3	81	15.93	23	2.60	2.19	.5	3,500	20.77
4	64	13.34	24	2.80	2.25	.1	10,000	25.79
5	54	9.58	19	2.40	1.70	.4	3,500	19.58
6	90	14.92	24	2.40	2.18	.7	2,500	22.06
7	85	12.63	22	2.20	1.97	.9	1,250	21.17
8	70	10.81	24	2.00	1.78	1.0	1,250	11.16
9	100	14.89	21	2.00	1.93	1.2	500	24.13
10	80	9.64	20	1.80	1.74	1.2	2,000	17.48
11	55	11.12	22	2.80	1.74	.3	9,000	17.73
12	42	7.91	18	2.20	1.80	.6	4,000	40.70
13	49	7.21	17	2.20	1.80	.9	3,000	29.30
14	54	7.82	16	2.00	1.64	1.1	2,000	26.68
15	49	6.60	14	1.80	1.54	1.3	2,500	16.66
16	31	8.84	19	2.60	1.52	.2	12,000	22.12
17	36	8.47	16	2.40	1.79	.5	5,000	17.33
18	53	7.14	15	2.20	1.68	.8	3,500	21.64
19	61	8.01	15	2.00	1.67	1.0	2,500	35.04
20	41	7.15	14	1.80	1.56	1.2	3,500	24.20
21	46	7.44	21	2.40	1.73	.2	6,000	44.34
22	20	7.12	20	2.20	1.59	.3	7,500	21.31
23	29	6.71	19	2.00	1.49	.3	4,500	23.22
24	27	6.45	17	2.00	1.54	.5	6,000	19.95
25	20	6.44	14	2.00	1.51	.6	3,250	31.15
26	19	6.31	13	1.80	1.58	.8	1,500	10.91
27	.....	.....	.....	.....	.....	.....	.....	.....
28	29	6.66	12	1.80	1.58	.9	4,500	14.84
29	40	7.16	15	1.80	1.54	1.2	4,000	22.76
30	22	6.32	13	1.60	1.31	1.5	3,500	10.61
Total	49	8.73	18	2.00	1.74	.....	.....	22.47

In analyzing the preceding table it is to be remembered that sections 1 and 2 contain many boarding houses, sections 3 and 5 contain hotels and boarding houses, sections 10, 11, and 16 contain hotels, and sections 4, 15, and 21 are mainly commercial.

The accepted ideal for the city home is one where the front door is used by one family only, where there are at least as many rooms as there are members in the family, where the house faces a through street, and wherein proper sanitary accommodation is provided. This ideal is by no means universally attained throughout the district investigated, and the extent of that deficiency now comes up for examination. To this end the following matters are dealt with: Number of tenements (families) per house; density of population; number of rooms per individual; number of rooms per family; sanitary accommodation; rear tenements; death rate; proportion of tenements unoccupied—all these being factors which must be taken into account before the standard of house accommodation at present attained can be determined.

The ordinary dwelling used for residential purposes throughout the district under examination accommodates two families, the one living above the other; or, to be more exact, the district contains 4,709 separate dwellings, which include 8,390 tenements, or an average of 1.78

per dwelling. The three-story dwelling is rare in Montreal, and the four-story, as a residence for families of the industrial class, is almost unknown. Section 13, which exhibits the largest number of tenements per dwelling, viz, 2.15, is still a district occupied mainly by two and three-story buildings. Only sections 13, 15, 18, 20, and 24, in all but five sections out of twenty-nine, show their average dwelling to contain more than two tenements. The small house is not without its advantages, in that it tends to make the tenant independent and self-reliant, and, giving a considerable degree of privacy, preserves those things which belong to a separate family life. On the other hand, it has its disadvantages, in that it means but few rent payers to the acre, and this, upon expensive land, results invariably in either high rents or mean accommodations.

The density of population is a matter which it is pertinent to examine at this point. Owing to the fact noted above, that Montreal is a city in which the ordinary dwelling accommodates but two families, we do not find, either in the district under consideration or in the city at large, a density that compares unfavorably with that found in other cities. About 40 persons to the acre will be the average for Montreal, taking its entire extent into consideration. An average of not more than 120 persons to the acre is to be found even in its most densely populated ward. The territory under examination, all spaces included, averages about 55 persons to the acre. Its most densely populated region is that which is known as the "Swamp," comprising sections 12 to 15. This covers about 54 acres upon which buildings have been or might be erected, and has a joint population of 8,863 souls, or an average throughout the belt of 163 to the acre. Several areas of smaller extent will exceed this belt average. One plot of 10 acres accommodates 2,000 persons, while another, covering slightly more than 3 acres, supplies homes for 955 persons, or over 300 to the acre; but this is the maximum. Taking only the occupied portions of the city below the hill into consideration, an average density of 82.5 persons to the acre expresses the number of persons immediately surrounding the typical home.

We must not only consider the proximity of the people to one another, as evidenced by the density per acre, but also determine the number of persons assignable to each occupied room before we can pronounce a district unhealthfully crowded or otherwise. A section may have a high density and yet ample room space, so that the danger arising from the former condition may be neutralized by the latter. The number of occupied rooms (38,543) throughout the district investigated is almost identical with the number of persons (37,652). In fact, the average would be 1.02 rooms per individual. Where, as in sections 1 to 11, the average family accommodation exceeds 5 rooms, the standard is surpassed in that there are, as a rule, fewer persons than rooms. On the other hand, where the average home contains less than 5 rooms, as is

the case in nearly all the remaining sections, then more than one person to each room is the rule. The most overcrowded section, 24, shows an average of 1.19 persons per occupied room. Isolated instances of overcrowding were discovered within the confines of nearly every section. In some cases five, six, seven, or even eight persons occupied 2 rooms. Seven persons in 3 rooms was a condition found in a score of families. The worst group of overcrowded homes, located near the southern boundary, revealed 49 persons in 20 rooms. However, these isolated instances were not numerous. Not 2 per cent of all the homes visited exhibited a condition of overcrowding equivalent to two persons per occupied room. One person to 1 room may then be regarded not only as the ideal but also as the rule in the district under examination.

The 7,671 families in the district canvassed occupy 38,543 rooms. This calculation includes hotels, boarding houses, schools, asylums, etc. It will be seen that it gives an average of 5.02 rooms per family. The upper and more well-to-do portions of the district show an average of 5.5 rooms per family, but for the remaining sections 4.5 rooms is the rule. The most crowded section of all under examination, viz, section 13, gives 3.99 rooms per family. A closer analysis of this section, which contains 661 families, shows 14 per cent of the families in homes of 2 rooms, 31 per cent in 3 rooms, 31 per cent in 4 rooms, 9 per cent in 5 rooms, and 15 per cent in 6 rooms or more. Families living in 1 room are very rarely encountered in Montreal. If we could imagine ten ordinary families coming to settle within the district, the division of accommodation which would have to be made among them would be as follows: One family would have 7 rooms, two families would have 6 rooms each, four families would have 5 rooms each, two families would have 4 rooms each, and one family would have 3 rooms. This represents average homes in respect to number of rooms.

In the matter of sanitary accommodation the home of the wage earner of Montreal is less desirable than that of his fellows elsewhere. So many are the buildings of ancient construction in the older portions of the city, and so strong has hitherto been the influence which property owners have been able to exert upon the civic authorities to restrain them from passing drastic regulations, that the out-of-door-pit-in-the-ground privy is still found in large numbers in the densely populated heart of the city. Although there are 2,140 less privies in the entire city than there were in 1891, the total number at the beginning of 1896 was still nearly 5,800. The district canvassed, being one of the older portions of Montreal, suffers from this evil even more than other localities. Fifty-one per cent of the houses within it are dependent entirely upon such inferior accommodation. Although drains have been laid in almost every street, still less than half of the contiguous residences have water-closet privileges. In the quarter known as "Griffintown," sections 21 to 26, which is thickly populated and close to the center of the city, only one home in four has a water-closet. In this respect the home

of the wage earner of Montreal is decidedly deficient, and the result is manifest in the ill health of many localities.

The rear tenement is not to be found in great numbers throughout the district. Nine houses out of every ten front upon a through street. This proportion would be still further increased if sections 11, 12, and 13, which are in this respect most deficient, were eliminated. Only eight sections out of twenty-nine fall below the district average of one rear tenement in every ten. The typical rear tenement of Montreal is not a large building, but an ancient wooden structure of the rural habitant type or a two-story building incased with refuse brick and reached by rickety wooden stairs and galleries. These rear tenements rarely contain more than two families, generally only one, and though still a menace to the public health, because of their dilapidated condition, do not contain a sufficiently large proportion of the population to seriously affect the general health.

The healthfulness of the district as a whole and the salubrity of its various sections are matters also to be taken into consideration when describing residential conditions. The local death rate is usually accepted as a test in this matter. For the year 1895, in the entire city of Montreal, this rate was 24.81 per 1,000. For the district canvassed it was in 1896 slightly lower, viz, 22.47 per 1,000. It is significant that even this latter rate is nearly double that for the locality of similar extent just above the hill, occupied by the well-to-do. Certain sections of the nether city, however, show a death rate greatly exceeding the average of the whole. Section 21 shows a rate of 44.34 per 1,000; section 12, 40.70; section 19, 35.04; section 25, 31.15. The high death rate in certain sections, being doubtless indicative of undesirable conditions, must be taken into consideration when estimating the surroundings of the homes of the working people.

The demand for homes in this portion of industrial Montreal is not in excess of the supply, a fact which, having a tendency to enlarge the choice of the tenant, leaves the less desirable houses unoccupied. Out of a total of 8,390 tenements, 719, or 8.6 per cent, were noted to be unrented and unoccupied when this census was taken. This is equivalent to about one dwelling out of every twelve, and might appear at first glance to be a large proportion. Local causes, however, accounted for the lack of tenants in many sections. Thus in section 2 it was uncertainty regarding the widening of the adjoining street; in sections 7 and 8 it was the depreciation caused by the introduction of an elevated railroad. Making allowance for residences unoccupied on account of similar local causes, it is probable that not over 5 per cent of the houses in a fair state of preservation were vacant. The percentage ran highest in the well-to-do sections. Where the working people lived, lack of occupancy was comparatively rare. A score of blocks in localities of this latter character were found without a vacant house. At least nineteen out of every twenty houses suitable for the industrial class were occupied.

To recapitulate, what has been found to be the facts? The average dwelling of the district canvassed contains 1.78 families. The typical home is surrounded by a population equivalent to 82.5 persons per acre. It contains an average of 5.02 rooms. To each room there is one occupant. Ten per cent of these homes are to be found in rear tenements. Fifty-one per cent of them are without proper sanitary accommodation. An average local death rate of 22.47 per 1,000 shows the presence of pathological conditions. About one-twelfth of all dwellings are unoccupied. These statements express in brief residential conditions as they will average in the whole district. It is not difficult to note that to a very considerable degree the home actual falls short of the standard of the home ideal as set forth at the outset of this inquiry.

Having described existing residential accommodation within industrial Montreal, the question of cost is next to be considered.

The average rental paid per family, all classes included, throughout the district canvassed is $8.73 per month. In the more well-to-do sections and those wherein the land is largely taken up by industrial establishments, such as sections 1, 2, 3, 4, 6, 7, 8, 9, and 11, rents are higher, ranging from $10.81 in section 8 to $15.93 in section 3. Throughout the remaining 20 sections averages between $6 and $9 per month are well-nigh universal. This latter estimate may be taken as the ruling figure for rent among the wage earners, varying according to desirability of accommodation, and, as will be later demonstrated, according to location.

Of the entire earnings of the residents of the district rental absorbs about 18 per cent. In the more well-to-do localities this proportion is greater, sections 1, 2, 3, 4, 6, 7, 8, and 11 showing from 22 to 25 per cent. Among the very poor, also, as was discovered through a special inquiry covering 300 families, rent was found to absorb fully one-fourth of the income. Among families of the real industrial class, however, about 16 per cent of earnings went to satisfy the landlord, and this proportion decreased toward the southern limits of the city. It was found, further, that where a workingman's family was large he was compelled to take up his residence near the suburbs in order to obtain the requisite number of rooms at a price which he could afford to pay.

No study of rentals would be complete, however, without some effort being made to ascertain in a measure the influence exerted upon values by location and the nearness of employment. Accommodation otherwise of equal desirability commands greatly differing prices in consequence of these factors. In the preceding table an attempt has been made to express relative convenience of location for the workingman by showing the distance in miles and decimals of a mile from the heart of each section to the city center, at McGill street and Victoria square. Sections 1 and 4, being but 0.1 of a mile from this northern limit, exhibit high rentals, while distance accounts for the much lower rates in sections 10, 15, 20, and 30. Nearness to abundance of local employment, while

it reduces the desirability of high-class residential properties, tends to increase the value of land designed for industrial class residents. The extent of this influence is indicated for each section in the table by figures showing approximately the number of persons finding steady employment within a quarter of a mile, or 5 minutes' walk, of the homes within the section. Rental values in sections 1, 2, 4, 11, 16, 17, 21, 22, and 24 are higher from the fact that all these sections are within easy reach of from 5,000 to 12,000 opportunities for individual employment. The average home of the district canvassed would lie about three-quarters of a mile from the city center—that is, about 15 minutes' walk each way, or half an hour daily. If the street-railway service were taken advantage of, the time required might be reduced one-half, but an expense of 38 cents per week would be thus incurred by each person. This would not, however, be the case with the great number, for local employment of at least 4,500 hands is within 5 minutes' walk of the average home. In fact, as already stated, the district affords more than enough employment to supply the resident wage earners.

In conclusion, let us endeavor to formulate an expression that will enable comparison regarding rental values to be made between Montreal and other cities. To this end a standard of accommodation must first be fixed, a reasonable valuation placed thereon, and adequate allowance made for failure to reach the desired excellency. Since the size of the home affects its rental value, this calculation will be based upon the average rental value of a single room.

The erection of model dwellings which fulfill the home ideal early set forth in this article has been undertaken in at least one instance within industrial Montreal. The best example of this form of investment is found within the district investigated, viz, the Diamond Court undertaking, situated upon the William street boundary of section 24. Here are four blocks of buildings conforming with the small-house type so universally popular, occupied by 40 families of varying nationalities and conditions. These buildings furnish model accommodation at an average price of $2 per month per room, and yet yield a return of 5 per cent upon invested capital. Now, the value of the land upon which these buildings were erected is 80 cents per square foot. To estimate what it would cost to duplicate them elsewhere requires but one variable factor to be taken into consideration, and that will be the cost of the land. The expense of erection will not vary for any locality within the district. Now, if we estimate the price at which land suitable for this purpose can be obtained within each section under study, we can calculate what it ought to cost to provide model accommodation in that section. This result also is shown in the preceding table. Model accommodation in sections 4 and 11 would cost the tenant of the small apartment $2.80 per room; in sections 1, 2, 3, and 16, $2.60 per room; in sections 5, 6, 17, and 21, $2.40 per room, and so on down to section 30, where the best of accommodation could be furnished at $1.60 per

room. Model accommodation in the average locality can then be supplied at a monthly rental of $2 per room. This applies to dwellings of from three to six rooms, for which the following rentals would be charged: For three rooms, $6 per month; for four rooms, $8 per month; for five rooms, $10 per month; for six rooms, $11 to $12 per month. In more distant sections, such as 30, three rooms at $5 per month, four rooms at $6.50 per month, five rooms at $8 per month, and six rooms at $9 to $10 per month could be provided, equipped with model accommodation, and yet yielding reasonable returns to the investor.

The actual price per average room in the district is $1.74 per month. The average amounts now paid are $5.25 for three rooms, $7 for four rooms, $8.75 for five rooms, and $10.50 for six rooms. From previous examination we know, however, that actual home conditions are by no means up to the model standard. The difference between the rates paid and the price of model homes marks the degree of deficiency in existing accommodation. By making the necessary allowances for the causes indicated, rental averages in Montreal may be compared with prices paid for equivalent accommodation elsewhere by students possessing similar data regarding their own cities.

These statements are believed to fairly express industrial conditions in Montreal. It is hoped that American readers may from an examination of them be enabled to form an adequate conception of industrial life across the border, and may be able to remark wherein they excel or fall below their own.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

ILLINOIS.

Ninth Biennial Report of the Bureau of Labor Statistics of Illinois. 1896. viii, 320 pp.

This report consists of three parts, as follows: Franchises, 120 pages; taxation, 116 pages; gas companies in Chicago, 84 pages.

FRANCHISES.—This part of the report contains four chapters, comprising the subjects: Municipalities, old and new; street railways; telephones; conclusions and remedies.

In the chapter relating to old and new municipalities, an historical sketch of the origin and development of municipal government is given, including a description of various systems in use at the present time and the reforms which are being most generally advocated by students of municipal government.

The chapter on street railways is presented with the view of showing the excessive capitalization of various street-railway companies in Chicago. It contains a history of the street-railway business of the city and statistics showing the capitalization of the three leading railway systems, together with statements showing the estimated cost of duplication; also other facts regarding these and minor surface and elevated street railways. The taxes, licenses, and special payments made by the three leading street railways are likewise shown. Comparisons are made between the Chicago street-railway systems and those of Montreal, Baltimore, and Detroit in the matter of taxation, rates of fare, etc.

The following statement shows the capitalization and mileage of the three leading street-railway systems in Chicago at the close of 1896:

Capital stock	$31,789,000
Other obligations	29,903,300
Total	61,692,300
Total per mile	126,460
Mileage:	
Cable	82.34
Electric	390.36
Horse	15.14
Total	487.84

A detailed statement of the estimated maximum cost of all the items necessary to duplicate the properties of these roads is presented. The aggregate cost, according to the estimates, was $31,739,626, or $65,062 per mile. A similar estimate of the minimum cost is placed at $28,535,699, or $58,494 per mile. The market value of the securities of all these roads in 1896 was $91,704,740, or $187,981 per mile. The taxes and

all other public charges paid by these roads in 1896 amounted to $527,456.32. It is estimated that the three roads should have paid $877,148.82 for taxes alone at the low valuation of other property in the business districts of the city. The general taxes actually paid amounted to $253,376, or 2.12 per cent of the gross receipts. The gross receipts of the three roads during the year were $11,941,524.

The chapter on telephones contains a short sketch of the development of the telephone industry and the earnings realized on the same. The company which has the monopoly in Chicago had in 1895 a capital stock of $3,796,000. Its net earnings were $542,839, and its dividends amounted to $445,544. It pays the city 3 per cent of its gross receipts. In 1895 this payment amounted to $37,562.

TAXATION.—This chapter is devoted to an analysis of the report of a tax commission appointed by the mayor of Chicago, which report is intended to show the ratio of assessed value to estimated market value of property in the central part of the city. The commission consisted of three real estate experts and two practical builders, and it made its report April 25, 1896. Detailed tables are presented showing the property valuation of the commission side by side with that of the assessor for each of the fifty highest and the fifty lowest assessed properties and for each of the properties included in the territory covered by the commission's investigation. Attention is also directed to the discriminating effect of the present method of equalizing taxes as between high and low assessed properties.

The territory covered by the commission includes all that is situated in the south division north of Twelfth street. The commission placed the market value of all this property (exclusive of property exempt from taxation) at $438,447,180, of which $337,342,880 was land value and $101,104,300 the value of the improvements. In the assessor's returns for the year 1895 the same property was valued at $40,668,720, of which $24,726,880 represented land and $15,941,840 improvements. The value of land and improvements exempted from taxation, not including city and National Government property, was $22,236,250. The value of railroad property in the district investigated by the commission was found to be $62,585,660.

GAS COMPANIES.—This part of the report contains copies of the acts incorporating the various gas companies in Chicago and a detailed account of their development, of the expansion of their capitalization, and of the profits realized before and after the formation of the gas trust in 1887.

The report states that the properties of the four Chicago gas companies constituting the trust, which can be duplicated for $15,000,000, are capitalized for $51,346,000. Of this, $25,000,000 is in the form of trust certificates and $26,346,000 in bonds. It is estimated that the trust realizes a profit of 5.03 per cent on its full capitalization, or 17.21 per cent on the actual capital of $15,000,000. The total market value

of the securities of these four companies is quoted at $44,726,200. As to the assessed valuation, figures could be obtained for only three of the four companies. The market value of the securities of these three companies amounted to $38,950,160, while the equalized assessed valuation was $1,164,498, or 2.99 per cent of the real value. The actual taxes paid amounted to $100,146, while the taxes paid for other business property of the same value amounted to $371,818.

MAINE.

Tenth Annual Report of the Bureau of Industrial and Labor Statistics for the State of Maine. 1896. Samuel W. Matthews, Commissioner. 242 pp.

The subject-matter of this report may be grouped as follows: Manufacturers' returns, 22 pages; factories, mills, and shops built during 1896, 4 pages; strikes and lockouts in Maine, 1887–1894, 14 pages; reports on the history and development of the tannery, earthenware, starch, ax and scythe, and steel shipbuilding industries, 81 pages; railroad employees and wages, 3 pages; extracts from the report of the proceedings of the twelfth annual convention of the National Association of Officials of Bureaus of Labor Statistics, 77 pages; labor laws of Maine, 11 pages; report of the inspector of factories, workshops, mines, and quarries, 14 pages.

MANUFACTURERS' RETURNS.—This investigation covers 126 establishments, representing 25 industries. The principal results are shown in the following table:

STATISTICS OF MANUFACTURES, 1896.

Industries.	Establishments.	Capital invested.	Cost of material used.	Value of product.	Total wages paid.	Average weeks in operation.	Employees.
Woolen mills	12	$1,417,300	*a* $1,125,582	*b* $1,576,637	$513,907	49 3/5	1,390
Cotton mills	10	9,898,500	4,629,816	*c* 5,332,376	3,480,254	49 5/6	11,472
Agricultural implements and tools	6	124,375	61,360	129,335	47,887	49	105
Bakeries	7	203,000	256,347	391,880	60,058	52	179
Blank books	2	26,000	13,440	26,566	7,721	46	22
Blocks and pumps	3	11,000	11,612	20,343	6,765	52	11
Boilers	3	24,000	40,376	71,467	15,543	50 2/3	28
Boots and shoes	11	928,300	1,470,266	2,351,630	571,365	49 1/2	1,411
Boxes	3	17,000	13,245	31,802	13,055	47 1/3	31
Brieks	3	26,000	35,340	52,780	9,216	33 1/3	27
Carriages	4	46,500	33,755	66,272	19,686	47 1/2	39
Chewing gum	3	107,500	37,175	75,606	14,246	46 1/3	62
Cigars	6	29,850	29,645	59,250	17,547	47 1/6	39
Clothing	6	59,500	65,500	139,700	50,600	46	181
Confectioneries	4	17,800	10,000	19,500	5,366	50	15
Creameries	2	90,000	100,000	115,000	3,600	51	14
Doors, sash, and blinds	9	324,500	280,446	484,255	122,466	50 1/6	319
Fish curing	3	25,000	25,000	45,100	8,050	38	23
Leather board	2	204,000	89,219	177,503	40,123	44	87
Lumber	7	202,500	167,890	301,121	82,572	51 1/6	180
Machinery	7	120,300	67,547	146,631	31,895	45 1/2	66
Monumental works	4	13,800	26,250	44,700	8,679	50 1/6	13
Pulp and paper	4	625,000	420,199	783,463	183,545	51 1/2	443
Silver-plated ware	3	24,000	31,530	66,041	13,058	43 2/3	31
Soap	2	8,900	5,800	10,750	3,210	36	9

a Ten mills. *b* Eight mills. *c* Six mills.

The returns for 1896, when compared with those for the preceding year, are, on the whole, unfavorable and indicate a decline in business activity. Of the 25 industries reported, 18 showed a decrease in the cost of material used, 6 an increase, while 1 showed no change. As to value of product, 15 showed a decrease, 9 an increase, and 1 no change. The total wage list was smaller in 17 industries and larger in 8. In 12 industries a decrease in the days in operation was shown, in 4 an increase, and in 9 no change. The number of hands employed in 1896 was greater in 3 industries, smaller in 17, and the same in 5 industries. The changes in the rates of wages since 1895 were very slight, most of the establishments reporting no change.

FACTORIES, MILLS, AND SHOPS BUILT DURING 1896.—The amount expended in building, repairing, and enlarging factories, mills, and shops in 1896 was $1,055,900, or $311,900 less than in 1895. There was also a decrease in the number of such buildings from 102 in 1895 to 77 in 1896, and in the number of persons employed in this work from 2,797 in 1895 to 1,470 in 1896.

STRIKES AND LOCKOUTS IN MAINE, 1887–1894.—This chapter consists of extracts from the Tenth Annual Report of the Commissioner of Labor.

HISTORY AND DEVELOPMENT OF VARIOUS INDUSTRIES.—This consists of a series of five articles on the tannery, earthenware, starch, ax and scythe, and steel shipbuilding industries, respectively. The last-named article contains illustrations of vessels and machinery built in the State.

RAILROAD EMPLOYEES.—This consists of a presentation of returns made by 22 railroad companies doing business in the State on the employment of labor and wages paid in 1896, and a comparison of these returns with those for the preceding year. The returns for 1896 show a total of 5,792 employees, exclusive of general officers, and a total wage list amounting to $2,763,353.93. In 1895 there were 4,693 employees and a wage list amounting to $2,268,357.86. One additional railroad was reported in 1896.

MASSACHUSETTS.

Twenty-sixth Annual Report of the Massachusetts Bureau of Statistics of Labor. March, 1896. Horace G. Wadlin, Chief. xvii, 748 pp.

This report treats of the following subjects: Part I, relation of the liquor traffic to pauperism, crime, and insanity, 416 pages; Part II, graded weekly wages, 292 pages; Part III, labor chronology, 1895, 40 pages.

RELATION OF THE LIQUOR TRAFFIC TO PAUPERISM, CRIME, AND INSANITY.—This part of the report was previously published under separate cover, and a digest of it appeared in Bulletin No. 8.

GRADED WEEKLY WAGES.—The treatment of this subject by the

bureau is so extensive that only a small portion of the statistics are included in the present volume. The quotations of graded weekly wages are arranged alphabetically, according to occupations, and the present report includes only such as appear under the letters A, B, and C. Future reports will continue the tables throughout the alphabet. This subject will then be followed by statistics of "Graded Prices in Massachusetts, other United States, and Foreign Countries."

In the present report the statistical tables are preceded by extracts from previous reports of the Massachusetts Bureau, which relate to the subjects of wages and prices.

The total number of quotations used in the statistics of graded weekly wages and prices is, in round numbers, 656,000, of which the wage quotations number 489,600, and the price quotations, 166,400. The following statement shows the distribution by States and countries of the wage and price quotations:

WAGE AND PRICE QUOTATIONS FOR MASSACHUSETTS, OTHER UNITED STATES, AND FOREIGN COUNTRIES.

States and countries.	Number of wage quotations for—			Number of price quotations.
	Males.	Females.	Both sexes.	
Massachusetts	251,500	36,200	287,700	109,500
Other United States	121,400	6,300	127,700	43,700
Foreign countries	58,000	16,200	74,200	13,200
Total	430,900	58,700	489,600	166,400

The number of employees represented in the wage quotations is not stated. One quotation may represent a single individual or several thousands. The quotations in the aggregate can not represent less than 500,000 employees, but they may cover five, ten, fifteen, or even twenty millions of employees. The quotations extend over the period from 1810 to 1891.

The statistical tables of graded weekly wages show the sex of the employees, the years when the wages were paid, the grade of wages, whether high, medium high, medium, medium low, or low, and the weekly wages in dollars and cents. These are arranged according to occupations and States and countries. A digest of the statistical information can not be made until the complete data relating to graded weekly wages have been published.

LABOR CHRONOLOGY, 1895.—This chapter contains a list of important acts of labor organizations and of other events relating to hours of labor, wages, and trades unions during the year, arranged according to subjects and in chronological order, a history of trades unions, and an abstract of labor laws passed in 1896.

OHIO.

Twentieth Annual Report of the Bureau of Labor Statistics of the State of Ohio, for the Year 1895. Transmitted to the Seventy-second General Assembly January 4, 1897. William Ruehrwein, Commissioner. 420 pp.

The following subjects are treated in this report: Introduction, 3 pages; a wonderful factory system, 4 pages; coal mining, 16 pages; rolling mills, 68 pages; blast furnaces, 24 pages; manufactures, 258 pages; free employment offices, 23 pages; labor laws passed by the seventy-second general assembly, 1896, 12 pages.

A WONDERFUL FACTORY SYSTEM.—Under this title is given a description of a system of management adopted by a large manufacturing establishment located at Dayton, and which is becoming generally known as the "Dayton plan." By this system the services of a superintendent are dispensed with, and the management of the various departments is placed in the hands of committees composed of officials and employees. Various other features are added by which it is claimed that the interests of both employers and employees are materially advanced.

COAL MINING.—The information presented in this and the three succeeding chapters was obtained partly by mail and partly by special agents who made personal inquiries. The tables presenting statistics of coal mines show, by counties, the quantity of coal mined, its value, the amount paid for mining and for day labor, the number of days worked during the year, miners employed, wages of mine employees, and other information of interest to the coal industry.

ROLLING MILLS.—Tables are given showing the kind of mill and number of each, average days mills were in operation, production, relation of production to total capacity, number of employees, hours of labor, and daily wages of employees. Returns from 214 mills showed a total production of 1,569,596 tons, which was 81 per cent of their total capacity.

BLAST FURNACES.—Twenty-five establishments making returns showed a total capital of $5,887,600 invested in blast furnaces. The materials used cost $6,852,963, and the value of the product, including estimated value of product on hand July 1, 1896, was $8,842,016. Wages of employees to the amount of $956,774 were paid, and the total expended for salaries of officials and clerks was $141,032. The net earnings were 14.4 per cent on the capital invested. Tables are given showing the occupations of 2,659 employees, the average number of days worked, the average yearly earnings, and the average number of hours per day for each occupation.

MANUFACTURES.—Detailed statistics of manufactures are presented by cities, towns, and for the State. The tables show the amount of capital invested, the value of materials used and of goods made, the

number of employees, their occupations, average daily wages and yearly earnings, the hours of daily labor, the number of days worked during the year, and various other items.

Following is a brief analysis of some of the tables presented: In 2,254 establishments $46,771,831 was paid in wages during 1895, which was an increase of $5,885,110 over the amount paid in the same establishments during the preceding year. A considerable increase is also shown in the other items where comparisons are made for the same establishments. In 2,210 establishments the value of goods on hand January 1, 1896, was $28,148,528, while on January 1, 1895, it was $25,161,044; the value of materials on hand was $29,666,163 on January 1, 1896, and $26,810,659 on January 1, 1895. The total value of all goods made in these establishments from January 1, 1895, to January 1, 1896, was $211,963,059, and the value of all materials used was $116,836,281. The total capital invested in these establishments was $177,809,334. During the year 1894, 2,105 establishments employed, on an average, 83,691 males and 15,842 females. In 1895, 2,232 establishments reported an average of 96,654 male and 17,786 female employees.

EMPLOYMENT OFFICES.—During the year 1896 the employment offices at Cincinnati, Cleveland, Columbus, Toledo, and Dayton received applications from employers for 3,078 males and 12,632 females. Applications for situations were made by 12,668 males and 15,030 females. Positions were secured for 2,781 males and 10,164 females. These figures show an increase in the amount of the business transacted by the employment offices over the preceding year.

CENSUS OF MASSACHUSETTS FOR 1895.

Census of the Commonwealth of Massachusetts, 1895. Volume I, Population and Social Statistics. 865 pp. (Prepared under the direction of Horace G. Wadlin, Chief of the Bureau of Statistics of Labor.)

Volume I of the report of the Massachusetts census for 1895 appears in five parts, as follows:

Part 1 (pages 1 to 68) contains statistics of population and legal voters; the population by towns, arranged alphabetically; a comparison of the population for 1885 and 1895, by towns; population and sex; a comparison of the population for 1885 and 1895, by sex.

Part 2 (pages 69 to 224) shows the number of families, the number of males and females, and the total population of each city and town, and the same facts for the several villages or sections of which each city or town is composed. The villages are shown by towns and in alphabetical order. There is presented in a brief manner the date of incorporation, or establishment, of every city and town in the State, together with changes in area, boundaries, etc. Following these historical facts relative to each city and town is given the population by each census between 1765 and 1895, a period of one hundred and thirty years.

Part 3 (pages 225 to 330) shows the number of polls and legal voters by counties, cities, and towns; also the percentage of native and foreign born voters of total voters. The political condition of the population is shown by sex and by age periods.

Part 4 (pages 331 to 790) shows the number of families by counties, cities, and towns, the size of families, and composition by sex; the number of occupied and unoccupied rooms, tenements, and dwelling houses, and the number of stories to dwelling houses and the materials of which constructed.

Part 5 (pages 791 to 865) classifies the population according to native and foreign born, color and race, and conjugal condition. It also shows the number of soldiers, sailors, and marines.

Each subject is presented in the form of statistical tables, showing the results of the enumeration for the State and by minor civil divisions (counties, cities, and towns). The tables in each case are followed by tabular analyses.

The following is a brief statement of some of the returns for the entire State:

Total population	2,500,183
Males	1,214,701
Females	1,285,482
Native born	1,735,253
Foreign born	764,930
Legal voters	560,802
Native born	422,676
Foreign born	138,126
Color and race:	
White	2,471,418
Colored	26,540
Indian	519
Japanese	34
Chinese	1,672
Conjugal condition:	
Single	1,385,030
Married	943,245
Widowed	165,650
Divorced	4,450
Unknown	1,808
Towns showing an increase in population since 1885	210
Towns showing a decrease in population since 1885	143

Since the census by the State in 1885 the population has increased 558,042, or 28.73 per cent.

In 1895, 48.58 per cent of the population were males and 51.42 per cent were females. In 1885, 48.03 per cent were males and 51.97 per cent were females, the proportion of females decreasing slightly during the decade.

Of the total population in 1895, 69.41 per cent were native and 30.59 per cent were foreign born. There was an increase in the relative number of foreign born during the decade, the per cent of the latter in 1885 being 27.13.

As regards political condition, it is shown that 22.43 per cent of the population were legal voters. Of the latter 75.37 per cent were native and 24.63 per cent were foreign born. By legal voters is meant not only registered voters but all who possess the legal qualifications of voters.

As to race and color, the census shows that, in 1895, 98.85 per cent of the population were white, 1.06 per cent were colored, 0.02 per cent were Indian, and 0.07 per cent were Chinese. The Japanese represented less than one one-hundredth of 1 per cent. In respect to conjugal condition, 55.40 per cent of the total population were single, 37.73 per cent were married, 6.62 per cent were widowed, 0.18 per cent were divorced, and 0.07 per cent were unknown.

The following statement summarizes the returns relating to families and dwellings:

Number of families	547,385
Average number of persons to a family	4.57
Males	2.22
Females	2.35
Number of dwelling houses	428,494
Occupied	397,633
Unoccupied	30,861
Number of tenements in occupied dwelling houses	573,958
Occupied	547,385
Unoccupied	26,573
Number of rooms in total dwelling houses	3,946,998
Occupied	3,568,385
Unoccupied	378,613
Persons to each room in occupied tenements	0.70

There were 547,385 families enumerated in the State in 1895. Dividing the total population by this number, it is found that the average size of a family is 4.57 persons. Of this average number, 2.22 represents males and 2.35 females.

The average number of persons to an occupied dwelling house was 6.29 and to a room 0.70. There were 310.97 persons, 68.08 families, and 53.30 dwelling houses to a square mile. This would make 2.06 acres to a person, 9.40 acres to a family, and 12.01 acres to a dwelling house.

Population and social statistics are continued in Volume II.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

GREAT BRITAIN.

Report on Contracts Given Out by Public Authorities to Associations of Workmen. 1896. vi, 346 pp. (Published by the Labor Department of the British Board of Trade.)

This report is the result of an inquiry made by a special investigator of the Labor Department, in pursuance of a recommendation made by the late royal commission on labor. The inquiry covers the United Kingdom, New Zealand, Victoria, Russia, France, and Italy.

The recommendation of the royal commission on labor contemplated an investigation of cases in which separate contracts were given by public authorities for materials needed and for work to be done, and where the latter only was given to associated bodies of workingmen. The special investigator found that such cases were very rare, and that they were not as a rule practicable. He, therefore, devoted his report to all cases where the public authorities gave out contracts to cooperative associations.

The report is very complete, and includes, in addition to the descriptive matter, appendixes for the various countries containing copies of laws, regulations, and specifications relating to contracts with cooperative associations; tables showing names of cooperative associations and public authorities, dates, nature, value, etc., of contracts, wages paid, sources of information, and other data.

THE UNITED KINGDOM.—Only two cases are mentioned in the United Kingdom where contracts were made with associated bodies of workmen for labor only. The works and ways department of the Nottingham corporation gave contracts to the pavers and to the flaggers and curb layers for various classes of paving and for laying flags and curbs, respectively. These contracts, during twelve months, amounted to £1,100 ($5,353.15) in the case of the pavers and £315 ($1,532.95) in the case of the flaggers and curb layers. The other case was that of a cooperative society called the Assington Agricultural Association, which did some stone carting for the highway authorities during two years, at a price of about £10 ($48.67) each year.

Public contracts involving both the performance of labor and the supply of material, or only the latter, were frequently given to cooperative associations. Some associations simply handle supplies, and are

known as "distributive," while others also engage in production and are known as "productive" associations.

The table following shows the distributive and productive cooperative associations that were known to have made definite contracts with various public authorities during recent years, and the amount of the contracts. In nearly every case the contract was given as the result of either public or limited competition—usually the former.

COOPERATIVE ASSOCIATIONS THAT HAVE MADE CONTRACTS WITH PUBLIC AUTHORITIES FOR LABOR AND MATERIALS DURING RECENT YEARS.

Cooperative associations.	Public authority.	When contracts were made.	Goods or services furnished.	Total amount of contracts.
DISTRIBUTIVE.				
Halifax Industrial Society	Town Council of Halifax.	1883-'4-'5-'6-'8-'9-'91-'2-'4-'5.	Clothing	$14,549.58
Leicester Cooperative Society	Leicester Corporation and Board of Guardians.	1890 to 1895	Boots, flour	5,539.66
Huddersfield Industrial Society	Corporation of Huddersfield.	1891 to 1895	Caps, boots	3,060.91
Burnley Industrial and Equitable Cooperative Society.	Corporation of Burnley.	1891 to 1893	Caps, overcoats	313.16
Scottish Cooperative Wholesale Society.	Glasgow Corporation and School Board, Barnhill Poorhouse, Govan School Board.	1892, 1894, 1895.	Clothing, preserves, brushes, printing.	6,182.58
Lancaster and Skerton Equitable Industrial Cooperative Society.	Lancaster Town Council and Asylum Board.	1893, 1895, 1896.	Clothing	1,275.69
Industrial Cooperative Society of Droylsden.	Corporation of Manchester.	1895	Clothing	1,395.77
Kilmarnock Equitable Cooperative Society.	Kilmarnock Infirmary.	1895	Bread	632.65
Workington Industrial Society	Workington Infirmary.	1896	Groceries	(a)
Galashiels Cooperative Store Society.	Burgh of Galashiels.	1896	Trousers, greatcoats.	(a)
PRODUCTIVE.				
Northamptonshire Productive Society.	War Office	1885 to 1887, 1889 to 1895.	Boots and shoes.	491,516.50
Chesham Productive Society	War Office	1885, 1886	Boots and shoes.	21,098.71
Finedon Cooperative Boot and Shoe Manufacturing Society.	War Office	1886 to 1895	Boots and shoes.	524,910.42
Raunds Productive Society	War Office	1887, 1889 to 1893, 1895.	Boots and shoes.	419,248.98
Walgrave Productive Society	War Office	1887, 1889 to 1893, 1895.	Boots and shoes.	156,944.63
Tingdene Cooperative Boot and Shoe Manufacturing Society.	War Office	1888 to 1892	Boots and shoes.	235,777.06
Irthlingborough Productive Boot and Shoe Society.	War Office	1891, 1892	Boots and shoes.	36,846.70
Ringstead Britannia Cooperative Society.	War Office	1892 to 1895	Boots and shoes.	46,496.97
St. Crispin Productive Society	War Office	1892, 1893, 1895.	Boots and shoes.	59,857.95
Northamptonshire Productive Society.	Crown Agents for the Colonies.	1893 to 1896	Boots and shoes.	15,462.49
Edinburgh Cooperative Printing Company.	Edinburgh Free Library.	1890	Catalogues, etc.	10,430.51
Cooperative Printing Society of Manchester, Newcastle-upon-Tyne, and London.	Corporation of Manchester.	1889, 1893	Printing and binding.	1,828.04
Hebden Bridge Fustian Manufacturing Cooperative Society.	Corporation of Manchester.	1890	Clothing	2,859.07
Cooperative Builders of Brixton	London School Board.	1891 to 1894	Building construction.	112,450.22
Cooperative Builders of Brixton	London County Council.	1891	Building construction.	33,277.13
Rochdale District Cooperative Corn Mill Society.	(a)	1891 to 1895	Provender, bran, flour.	232,477.53
Bristol Pioneers' Boot and Shoe Productive Society.	Bristol School Board.	1891 to 1895	Boots	432.94

a Not reported.

COOPERATIVE ASSOCIATIONS THAT HAVE MADE CONTRACTS WITH PUBLIC AUTHORITIES FOR LABOR AND MATERIALS DURING RECENT YEARS—Conc'd.

Cooperative associations.	Public authority.	When contracts were made.	Goods or services furnished.	Total amount of contracts.
PRODUCTIVE—concluded.				
Paisley Cooperative Manufacturing Society.	Burgh of Paisley..	1892, 1893.....	Clothing.....	$422.78
Nottingham Operative Tailors' Cooperative Society.	Corporation of Nottingham.	1892 to 1895 ...	Uniforms, overcoats, etc.	2,413.72
Cooperative Bass Dressers	War Office.	1894, 1895.....	Brooms and bass heads.	16,546.10
Cooperative Bass Dressers	London County Council.	1892, 1894, 1895.	Bass brooms and brushes.	1,532.95
Cooperative Bass Dressers	Board of Works, Lime House district; St. Giles' Vestry, Camberwell; Battersea Vestry.	1892 to 1895 ...	Brooms.....	5,226.62
Household Furnishing Company of New Castle-upon-Tyne.	New Castle City Asylum and Jarrow School Board.	1895.....	Brushes and chairs.	(a)
Cooperative Quarrying Association, Condorrat (Dumbarton).	Police Commissioners of Glasgow.	1895.....	Paving sets.....	4,374.98
Cooperative Quarrying Association, Condorrat (Dumbarton).	Town Council of Coatbridge.	1895.....	Rough metal....	101.39
Kettering Cooperative Building and Contracting Society.	Guardians of Kettering Union.	1895.....	Building construction.	1,163.09
Sheffield House-Painting and Decorating Society.	Corporation of Sheffield.	1895.....	Painting and decorating.	1,355.73

a Not reported.

The continuance of contracts from year to year, as shown in many cases, indicates that they were satisfactory to the public authorities. Other contracts, not mentioned in the above table, were made by public authorities with cooperative associations, but no precise information could be obtained in regard to them. As an illustration of the satisfactory nature of such contracts, it may be mentioned that, as shown in the table, the War Office made contracts with different productive associations during a period of eleven years for the supply of boots and shoes at an estimated cost of $1,992,697.92.

NEW ZEALAND.—In New Zealand the great bulk of the public railway and road work, and much of the public building work, is carried out under what is known as the cooperative system. By this arrangement, which has existed for a number of years, the evils of the contract system through middlemen are avoided, and the work is let direct to the workmen, who thereby secure the profits which would otherwise go to a contractor. The system, which is fully described in the report, seems to be highly satisfactory to the authorities, the work is better and more cheaply done, and the men are better paid. The number of persons constantly employed under this system varies greatly, but averages about 2,000.

VICTORIA.—The "butty-gang" system of railway construction, adopted in 1892 in Victoria, is somewhat similar to the cooperative system of New Zealand. It was intended as a relief measure for the unemployed, by which they were enabled to work on Government railway construction on a cooperative plan. It proved advantageous to

the Government in saving time and cost, avoiding heavy claims by contractors, and facilitating alterations in the plans of construction in cases of unforeseen contingencies.

RUSSIA.—In Russia a system of cooperative labor by associated bodies of workmen, known as "artels," has existed for a long time. The first mention of artels is as early as the end of the fourteenth century. In some cases these artels are employed by the Government. In two of the cases mentioned a system of labor contracts, resembling that referred to by the labor commission, seems to have been tried with success. These institutions are, however, based upon the habits and traditions of the Russian people, and are necessarily dependent for their successful operation upon circumstances which must be considered to be peculiar to that nation.

FRANCE.—Ever since cooperative production was introduced in France in 1848 the help of the State has been given toward the development of such enterprises, both by means of financial assistance and by special facilities accorded such associations for undertaking work for public authorities. As an illustration, it is shown that, in making contracts up to a certain amount, associations of workmen are not required to give security, as is the case with contractors, for the due performance of the work. They are also given the preference over ordinary contractors when the offers are similar in amount. Through this encouragement cooperative associations have obtained public contracts of considerable value and covering a wide range of occupations, both from the Government and from municipalities. The city of Paris has been especially favorable toward these organizations.

In the report descriptions are given of 44 associations which were known to have obtained contracts from the Government departments and other public authorities. These associations comprise the following trades: File makers, optical instrument makers, musical instrument makers, tinsmiths, printers, carpenters, tile layers, cabinetmakers, clock makers, gas and electric light fitters and plumbers, house painters, upholsterers, masons, bricklayers, joiners, pavers, stonecutters, coach makers, locksmiths, wood carvers, stucco workers, plasterers, stonebreakers, granite workers, cement workers, gilders, foundry workers, rolling and wire mill workers, roofers, zinc workers, saddlers, photographers, etc. There are also associations which supplied military head gear, boots, belts, and other goods of a similar nature. Forty-five other cooperative associations are mentioned which are known to have had at some time contracts with public authorities, but which are now probably no longer in existence.

The only instance mentioned in which a cooperative association furnished the labor only was that of the Association du Journal Officiel. This association, which employs from 190 to 195 persons, attends to the work of printing the official journal of the Government. The arrangement has existed since 1881 and is reported to be very

satisfactory and to have resulted in a considerable gain to the Government.

ITALY.—Special legislation has also been enacted in Italy with the view of promoting the execution of public works by cooperative associations. These enactments include not only provisions dispensing with the deposit of securities by cooperative associations up to certain limits of value, but also provide, in suitable cases, for the separation of contracts for the supply of materials from those for the performance of labor. Notwithstanding these enactments the cooperative associations have, in practically every instance where work involved the supply of materials, furnished both the labor and the materials.

The report contains detailed descriptions of a large number of cooperative associations which have made contracts with the public authorities for the supply of labor and materials. A table compiled by the director of the Italian statistical department contains a list of 157 cooperative societies of production and labor to which contracts for public works were granted during the years 1889 to 1894, inclusive. During this period a total of 713 such contracts are shown in the list, involving altogether $2,190,488.74.

Second, Third, and Fourth Annual Reports on Changes in Wages and Hours of Labor in the United Kingdom. 1894, xcv, 343 pp.; 1895, lxxvii, 208 pp.; 1896, lxxxi, 273 pp. (Published by the Labor Department of the British Board of Trade.)

These reports are the second, third, and fourth of a series published for the purpose of recording from year to year the principal changes in market rates of wages, recognized piecework lists, and standard hours of labor in the more important industries in the United Kingdom. The contents of the three reports are grouped as follows:

Second Annual Report, 1894: General report and summary, 20 pages; report on special groups of trades, 47 pages; summary tables, 21 pages; changes in rates of wages, detailed tables, 259 pages; changes in hours of labor, detailed tables, 11 pages; piece price lists, 28 pages; appendixes, 29 pages; indexes, 16 pages.

Third Annual Report, 1895: General report and summary, 15 pages; report on special groups of trades, 34 pages; summary tables, 20 pages; changes in rates of wages, detailed tables, 149 pages; changes in hours of labor, detailed tables, 11 pages; piece price lists and sliding scales, 27 pages; appendix, 8 pages; indexes, 13 pages.

Fourth Annual Report, 1896: General report and summary, 16 pages; report on special groups of trades, 31 pages; summary tables, 26 pages; changes in rates of wages, detailed tables, 227 pages; changes in hours of labor, detailed tables, 18 pages; piece price lists and sliding scales, 15 pages; indexes, 13 pages.

As the ground covered by the three inquiries as well as the statistical presentation is very nearly the same, the subject-matter of the

three reports is considered together in the synopsis which follows. The scope and method of inquiry pursued have been described in the digest of the first annual report of this series, which appeared in Bulletin No. 2. The changes recorded are based upon returns furnished by employers, employers' associations, trade unions, and other parties concerned.

CHANGES IN RATES OF WAGES AND HOURS OF LABOR.—The following comparative statement summarizes the principal data relating to changes in rates of wages and hours of labor, as shown for the years 1893 to 1896:

CHANGES IN RATES OF WAGES AND HOURS OF LABOR, 1893 TO 1896.

Items.	1893.	1894.	1895.	1896.
Changes in rates of wages:				
Increases	508	608	624	1,471
Decreases	198	171	180	136
Total	706	779	804	1,607
Separate individuals affected—				
By increases in rates of wages	142,364	175,615	79,867	382,225
By decreases in rates of wages	256,473	488,357	351,895	167,357
By changes leaving wages same at end as at beginning of year	151,140	6,414	4,956	58,072
Total	549,977	670,386	436,718	607,654
Average weekly increase in rates of wages	$0.112	*a* $0.330	*a* $0.314	$0.213
Changes in hours of labor:				
Increases	16	2	12	22
Decreases	139	219	129	223
Total	155	221	141	245
Separate individuals affected—				
By increases in hours of labor	1,530	128	1,287	73,616
By decreases in hours of labor	33,119	77,030	21,448	34,655
Total	34,649	77,158	22,735	108,271
Average weekly reduction in hours of labor	1.99	4.04	1.94	0.73

a Decrease.

With regard to the rates of wages, it is shown that the number of changes in each year has steadily increased, probably largely due to improvements in the means of collecting the information. In the years 1893, 1894, and 1895 the number of persons whose wages fell greatly exceeded the number whose wages rose; but in 1896 the number whose wages rose was more than twice the number of those whose wages fell. In regard to changes shown in the average weekly rates of wages per head, the increase in 1893 was due to abnormal conditions produced by a great coal dispute. There was a falling tendency in rates of wages in 1894 and 1895, and this was followed by a rise in 1896.

The number of changes in the hours of labor fluctuated from year to year, being greatest, 245, in 1896, and least, 141, in 1895. The number of changes resulting in decreases greatly exceeded the number resulting in increases during each of the four years, 1893 to 1896. The number of persons affected by changes in hours of labor rose from 34,649

in 1893 to 77,158 in 1894, when the eight-hour day was introduced into many of the Government establishments. In 1895 the number sank to 22,735, but in 1896 there was a rise to 108,271. The number of persons affected by decreases in the hours of labor greatly exceeded the number whose hours were increased during each of the years 1893, 1894, and 1895. In 1896, however, the conditions were reversed, largely accounted for by the London building trades, in which the readjustment of working rules involved a trifling increase in the average hours worked. The average number of hours of labor per week per employee showed a decrease during each of the four years.

The following table shows the number of employees affected by changes in the hours of labor, classified according to the extent of such changes per week, and for the years 1893 to 1896:

EMPLOYEES AFFECTED BY CHANGES IN HOURS OF LABOR, BY EXTENT OF CHANGE PER WEEK, 1893 TO 1896.

Change per week.	Employees whose hours were—							
	Increased.				Decreased.			
	1893.	1894.	1895.	1896.	1893.	1894.	1895.	1896.
Under 1 hour	480	.....	.....	71,899	5,538	2,686	2,961	4,871
1 or under 2 hours	803	43	431	144	9,800	4,141	9,675	10,695
2 or under 4 hours	247	.....	17	1,016	15,058	37,535	5,235	11,939
4 or under 6 hours	.....	.....	150	252	1,491	9,536	1,926	2,200
6 or under 8 hours	.....	.....	500	250	1,011	20,504	1,229	3,301
8 hours or over	.....	85	189	55	221	2,628	422	1,649
Total	1,530	128	1,287	73,616	33,119	77,030	21,448	34,655

It will be seen from the above figures that, in the case of 71,899 out of a total of 73,616 persons whose hours of labor were increased in 1896, the increase was less than one hour per week. As previously alluded to, this large number is accounted for by the London building trades, in which a readjustment of working rules involved a trifling increase in the average hours worked. In the case of changes of over one hour per week, the number of persons affected by decreases greatly exceeded the number whose hours were increased during each of the four years mentioned.

In the following table the number of changes in rates of wages during the years 1894, 1895, and 1896, and the number of individual employees affected, are shown by industries:

NUMBER OF INCREASES AND DECREASES IN WEEKLY WAGES, AND EMPLOYEES AFFECTED, BY INDUSTRIES, 1894 TO 1896.

1894.

Industries.	Changes.			Employees affected.			
	Increases.	Decreases.	Total.	Wages increased.	Wages decreased.	Wages same at end as at beginning of year.	Total.
Building	247	7	254	32,618	101	274	32,993
Mining and quarrying	25	35	60	98,491	437,938	2,773	539,202
Metal, engineering, and shipbuilding	73	68	141	18,344	39,384	893	58,621
Textile	44	32	76	8,662	3,936	2,135	14,733
Clothing	31	2	33	3,457	1,450	.....	4,907
Miscellaneous	75	23	98	4,894	5,468	339	10,701
Employees of public authorities	113	4	117	9,149	80	.....	9,229
Total	608	171	779	175,615	488,357	6,414	670,386

1895.

Building	217	.....	217	24,431	.....	.....	24,431
Mining and quarrying	22	37	59	14,127	313,192	.....	327,319
Metal, engineering, and shipbuilding	111	96	207	18,392	26,431	4,935	49,758
Textile	66	16	82	10,192	5,396	.....	15,588
Clothing	29	1	30	1,785	40	.....	1,825
Miscellaneous	72	29	101	4,101	6,740	21	10,862
Employees of public authorities	107	1	108	6,839	96	.....	6,935
Total	624	180	804	79,867	351,895	4,956	436,718

1896.

Building	280	3	283	88,922	24	.....	88,946
Mining and quarrying	29	23	52	3,961	149,175	54,000	207,136
Metal, engineering, and shipbuilding	764	74	838	240,777	13,043	4,072	257,892
Textile	55	17	72	7,122	2,834	.....	9,956
Clothing	31	2	33	2,697	700	.....	3,397
Miscellaneous	155	14	169	24,464	1,340	.....	25,804
Employees of public authorities	157	3	160	14,282	241	.....	14,523
Total	1,471	136	1,607	382,225	167,357	58,072	607,654

The returns for the year 1894 show that there were 779 changes in rates of wages, 608 resulting in increases and 171 in decreases. These changes affected 670,386 individuals, 175,615 gaining a net increase and 488,357 sustaining a net decrease. In the case of 6,414 individuals, the wages were changed during the year, but were the same at the close as at the beginning. Of the entire number of persons affected by changes, 539,202, or 80 per cent, were employed in the mining and quarrying industries.

During 1895, 804 changes in rates of wages were reported, 624 being increases and 180 being decreases. Of a total of 436,718 individuals whose wages were changed, 79,867 gained a net increase, 351,895 sus-

tained a net decrease, and in the case of 4,956 the wages were changed during the year, but stood at the same level at the end as at the beginning of the year. In the case of the building trades, all of the 217 changes reported, which affected 24,431 persons, resulted in increased wages.

The figures for 1896 showed 1,607 changes in the rates of wages, of which 1,471 were increases and 136 were decreases. These changes affected 607,654 individuals, of whom 382,225 gained a net increase and 167,357 sustained a net decrease. In the case of 58,072 the wages underwent changes during the year, but were the same at the close as at the beginning.

The following statement shows by industries for the years 1893 to 1896 the number of individual employees affected by changes in rates of wages, and the net results as shown by the average increase or decrease per head per week, respectively:

EMPLOYEES AFFECTED BY CHANGES IN RATES OF WAGES, 1893 TO 1896, BY INDUSTRIES.

Industries.	Employees affected by changes in rates of wages.				Average increase per head per week.			
	1893.	1894.	1895.	1896.	1893.	1894.	1895.	1896.
Building	44,538	32,993	24,431	88,946	$0.360	$0.345	$0.411	$0.502
Mining and quarrying	309,926	539,202	327,319	207,136	.228	*a*.421	*a*.461	*a*.127
Metal, engineering, and shipbuilding	121,256	58,621	49,758	257,892	*a*.218	*a*.157	.005	.370
Textile	55,087	14,733	15,588	9,956	*a*.086	.112	.046	.020
Clothing	3,599	4,907	1,825	3,397	.385	.335	.502	.314
Miscellaneous	5,404	10,701	10,862	25,804	*a*.020	*a*.076	*a*.127	.416
Employees of public authorities	10,167	9,229	6,935	14,523	.380	.360	.390	.294
Total	549,977	670,386	436,718	607,654	.112	*a*.330	*a*.314	.213

a Decrease.

During the entire period of four years the groups of building and clothing industries and employees of public authorities showed a steady increase in the average weekly rates of wages per employee. The employees in the mining and quarrying industries appear to have suffered most in regard to reduction of rates of wages since 1893. In 1896 there was an increase of wages in all the principal industries except the last mentioned.

The changes in the hours of labor during the years 1894, 1895, and 1896, and the number of individual employees affected, are shown, by industries, in the table following.

NUMBER OF INCREASES AND DECREASES IN HOURS OF LABOR, AND EMPLOYEES AFFECTED, BY INDUSTRIES, 1894 to 1896.

1894.

Industries.	Changes.			Employees affected.			Decrease per employee in average weekly hours of labor.
	Increases.	Decreases.	Total.	Hours increased.	Hours decreased.	Total.	
Building	1	60	61	43	10,119	10,162	2.38
Mining and quarrying	.....	5	5	.....	1,957	1,957	3.41
Metal, engineering, and shipbuilding	.....	31	31	.....	4,496	4,496	7.70
Textile	.....	7	7	.....	989	989	4.57
Clothing	.....	7	7	.....	962	962	4.97
Miscellaneous	1	65	66	85	12,194	12,279	4.14
Employees of public authorities	.....	44	44	.....	46,313	46,313	4.02
Total	2	219	221	128	77,030	77,158	4.04

1895.

Building	2	49	51	420	12,180	12,600	1.46
Mining and quarrying	1	4	5	3	2,341	2,344	3.80
Metal, engineering, and shipbuilding	3	11	14	570	2,734	3,304	.02
Textile	1	3	4	77	359	436	2.64
Clothing	.....	3	3	.....	298	298	2.17
Miscellaneous	4	36	40	211	1,504	1,715	2.43
Employees of public authorities	1	23	24	6	2,032	2,038	5.32
Total	12	129	141	1,287	21,448	22,735	1.94

1896.

Building	8	79	87	69,830	9,900	79,730	0.06
Mining and quarrying	2	1	3	174	500	674	3.07
Metal, engineering, and shipbuilding	3	39	42	450	6,945	7,395	1.28
Textile	.....	2	2	.....	125	125	3.85
Clothing	2	5	7	820	1,901	2,721	.62
Miscellaneous	3	60	63	271	12,298	12,569	3.71
Employees of public authorities	4	37	41	2,071	2,986	5,057	2.65
Total	22	223	245	73,616	34,655	108,271	.73

There were 221 changes reported in the hours of labor in 1894, of which all but two resulted in decreases. The changes affected 77,158 persons, of whom 77,030 had their hours decreased and 128 had their hours increased. A greater number was affected by decreases in the hours of labor in 1894 than during any other year for which data were obtained. This was due to the introduction of the average eight-hour day in Government establishments, which affected 46,313 of the employees reported.

In 1895, 141 changes in the hours of labor were reported, of which 12 were increases and 129 were decreases. These changes affected 22,735 persons, 1,287 of whom had their hours increased and 21,448 had their hours decreased.

The figures for 1896 showed a total of 245 changes, of which 22 resulted in increases in the number of hours of labor, affecting 73,616 employees, and 223 resulted in decreases, affecting 34,655 employees.

During each of the three years each group of industries showed a decrease in the average number of hours per week worked by an employee.

Returns regarding wages of agricultural laborers in England and Wales showed a downward tendency in 1894 and 1895, but in 1896 a change for higher wages was reported. The number of laborers in districts in which changes in the current rates of wages took place was 129,481 in 1894, 119,890 in 1895, and 99,329 in 1896. Of these, 107,000 in 1894, 92,334 in 1895, and 40,751 in 1896 were in districts in which wages fell, and 22,481 in 1894, 27,556 in 1895, and 58,578 in 1896 were in districts in which wages rose. The total net effect of these changes was a fall of £2,705 ($13,164) per week, or 5d. ($0.10) per head, in 1894, and £2,629 ($12,794) per week, or $5\frac{1}{4}$d. ($0.11) per head, in 1895, and a rise of £383 ($1,864) per week, or 1d. ($0.02) per head, in 1896, on all laborers in the districts in which wages changed. Calculated on the total number of agricultural laborers in England and Wales, the fall per head was $\frac{3}{4}$d. ($0.015) in 1894 and 1895, as compared with a rise of $\frac{1}{8}$d. ($0.003) per week in 1896.

The information presented regarding changes in rates of wages of railway employees in 1894, 1895, and 1896 was derived mainly from returns furnished by their trade unions.

The rates of wages during the three years did not, so far as ascertained, undergo any marked changes, but there appeared to be a slight upward tendency. With regard to the hours of labor, there seemed to be a tendency toward a decrease. Changes in hours of labor are of two classes—(1) those resulting from representations by the board of trade under the railway-regulation act of 1893, where there were reasonable grounds for complaint on account of excessive hours, and (2) other changes.

In 1894 information was received of changes of wages affecting 3,004 persons, of whom 2,968 had increases and only 36 decreases. These figures represent the number of persons whose rates of pay were altered, but it does not necessarily follow that they all benefited or lost during the actual year 1894. There were 98 cases of reduction in hours of labor resulting from representations by the board of trade. The changes reported from other sources affected 540 railway employees, all of whom had their hours reduced, the average reduction being 12 hours per week.

In 1895, 558 unions of railway employees made returns, of which 139 contained particulars of changes of wages and hours of labor and 419 unions had no changes to report. The changes in rates of wages affected 823 persons, but in the case of 228 the changes affected individual workers only. Of the remaining 595 work people, 389 had a rise and 206 suffered a fall in wages. There were 71 cases of reduction in hours of labor resulting from representations by the board of trade. Changes reported from other sources affected 5,103 railway employees, 5,007 of whom had their hours decreased and 96 had them increased. The average reduction for the year was 5 hours per week.

In 1896, 422 trade unions made returns regarding changes in wages and hours of labor of railway employees. Of these, 116 contained particulars of such changes and 306 had no changes to report. Altogether 1,217 persons were reported as affected by changes in rates of wages, but in the case of 144 the changes merely affected individual workmen. Of the remaining 1,073 persons, 1,000 had their wages advanced and 73 had them reduced. The hours of labor were reduced in 50 cases where representations had been made by the board of trade. Returns from railway employees' unions show 98 cases of hours reduced and 13 of hours increased. So far as returned, the reductions affected 1,058 persons and the increases 44 persons. The average net reduction per week per employee was 8½ hours.

The data presented for 1894 and 1895 regarding seamen show a slight fall, while those for 1896 show a slight rise in wages.

PIECE PRICE LISTS AND SLIDING SCALES.—Piece price lists adopted or revised in 1894 are given for the shipbuilding, quarrying, cotton-weaving, lace, boot and shoe, clog, tailoring, printing, glass-bottle, and brush-making industries, and for dock labor. Piece price lists for 1895 are given for the shipbuilding, cotton-weaving, hosiery, boot and shoe, clog, tailoring, printing, and glass-bottle industries. Sliding scales are shown for the coal-mining industry, blast-furnace men, and iron and steel workers. Piece price lists for 1896 are given for the metal trades, cotton-spinning, cotton-weaving, hosiery, boot and shoe, clog, tailoring, printing, glass-bottle, basket, and brush industries, and for dock and river-side labor. One new sliding scale for coal miners is shown.

GERMANY.

Drucksachen der Kommission für Arbeiterstatistik: Erhebungen Nr. X. Zusammenstellung der Ergebnisse der Ermittelungen über die Arbeitsverhältnisse in der Kleider- und Wäsche-Konfektion. 110 pp.

This is the tenth of a series of investigations conducted by the commission on labor statistics of the German Empire. The nine preceding reports were reviewed in Bulletin No. 4. This report contains the results of an investigation into the labor conditions of garment workers. It treats of the garment industry according to the nature of the goods made, the localities where certain lines prevail, systems of work and employment, irregularity of employment, labor contracts and wage payments, earnings, and sanitary and moral conditions surrounding the garment workers. An appendix contains extracts from laws regulating garment work in Switzerland, Austria, England, France, and the United States. The information was obtained partly by the testimony of witnesses before the commission and partly by personal investigations by officials.

The report covers 13 manufacturing centers, 835 workshops and factories, and 4,143 dwellings where home work was done. Under the

head of garment-making industry are included men's, boys', and women's clothing, cloaks, blouses, and overalls, light summer garments, and men's and women's furnishings, such as shirts, collars, cuffs, underwear, etc.

Three systems of work are considered, namely, factory work, shop work, and home work. Factory work, in connection with home work, is most common in the manufacture of men's furnishings, such as shirts, collars, cuffs, linen shirt fronts, and similar articles. Women's linens and underwear, laborers' blouses and overalls, and light summer clothing are also made in this way, but to a comparatively small extent. This system is unknown in the men's and boys' clothing industry. Shop work, in connection with home work, through the medium of the same contractor, is found in all branches of the clothing industry in Berlin, Stettin, Breslau, and Erfurt.

Single men are, as a rule, employed in workshops and factories, married people at home work, and single females at factory, shop, and home work.

Coats and overcoats are made almost exclusively by males; pants, vests, overalls, and light summer garments are made mostly by females; while women's garments and all linens and underwear are made almost exclusively by females.

As to regularity of employment, those engaged in the manufacture of linens and underwear are least affected by changes of season. In the men's and boys' clothing industry work is almost entirely suspended for about 3 months each year. In the women's clothing industry, which consists chiefly of cloak making, employees work on full time for only about 6 or 7 months per year, and work is almost entirely suspended for 2 or 3 months.

The average hours of actual labor range from 9 to 11 per day in the factories and from 12 to 13 per day in the workshops. It is difficult to estimate the average working time of home work on account of the many interruptions occasioned by domestic duties. It is about 13½ to 14½ hours per day of actual labor. Sunday work, as a rule, is done only during a very busy season. At such times garment workers are engaged from 2 to 5 hours during the morning.

The rates of wages of time workers are, as a rule, uniform throughout the year, while those of piece workers vary with the demand. The earnings vary greatly with the nature of the work and the locality.

As to general health, the garment workers are unfortunately situated. Persons adopting this trade are generally those who are physically weak or are in poor health. The sanitary condition of workshops is not what may be desired. Overcrowding is frequent, and ventilating appliances are very rarely found. Of 350 factories and workshops visited in Berlin, over one-half had less than 16 cubic meters (565 cubic feet) of air space per person; 5 per cent had 6 cubic meters (212 cubic feet), and some had only 3 and 4 cubic meters (106 and 141 cubic feet) air space

per person. Of 3,046 dwelling workshops visited, about 1,000 were simultaneously used as living rooms, an equal number as kitchens, and about 900 were also bedrooms. In the remaining cases the workshops were used for two or more other purposes.

The danger of dwelling or tenement work as a medium for the spread of contagious diseases was also a subject of investigation. In the above-named dwelling workshops there were during two years 40 cases of diphtheria, 19 of measles, 23 of scarlet fever, and 5 of consumption.

As to the moral condition of garment workers, the commission found that females employed in this branch of industry compared favorably with those engaged in other vocations.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, will be continued in successive issues, dealing with the decisions as they occur. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks, and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF STATUTE—FELLOW-SERVANT ACT OF TEXAS—*Missouri, Kansas and Texas Ry. Co. v. Hannig, 41 Southwestern Reporter, page 196.*—Action was brought in the district court of Clay County, Tex., by William Hannig against the above-named railway company to recover damages for injuries received while in the employ of said company as a section hand. Hannig recovered a verdict and the railway company appealed the case to the court of civil appeals of the State, which rendered its decision May 12, 1897, and affirmed the judgment of the lower court.

The title of chapter 91, acts of 1893 (23d legislature), page 120, reads as follows:

An act to define who are fellow-servants and who are not fellow-servants, and to prohibit contracts between employer and employees, based upon the contingency of the injury or death of the employees, limiting the liability of the employer for damages.

The first and second sections of the act define who are and who are not fellow-servants, and the third section reads as follows:

SEC. 3. No contract made between the employer and employee, based upon the contingency of death or injury of the employee, limiting the liability of the employer under this act, or fixing damages to be recovered, shall be valid and binding.

This case depended upon the above-mentioned act, and one of the assignments of error made by the railway company in its appeal was that the act should have been declared unconstitutional under the provisions of section 35 of article III of the constitution of Texas, which reads as follows:

SECTION 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts, for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

The court of civil appeals, in affirming the decision of the lower court, overruled the point made as above and used the following language concerning it in its opinion, which was delivered by Chief Justice Tarlton:

The act of the twenty-third legislature (page 120), known as the "fellow-servants act," is not unconstitutional on the ground that it embraces more than one subject, both being expressed in the title. The prohibition referred to in the caption [title] and covered by the third section of the act does not constitute a different subject, but is merely auxiliary to the main purpose of the act authorizing a recovery by employees when injured by the master's negligence. In other words, the prohibition referred to in the title and in section 3 of the act is but one phase of the subject expressed in the title.

CONSTITUTIONALITY OF STATUTE—LIABILITY OF CITY FOR DAMAGE BY MOB—*Pennsylvania Company v. City of Chicago, and Yazoo and Mississippi Valley R. R. Co. v. Same, 81 Federal Reporter, page 317.*—These were actions on the case against the city of Chicago, brought by the above-named companies, in the United States circuit court for the northern district of Illinois, under section 256a of chapter 38 of the revised statutes of Illinois of 1895. Said section reads as follows:

Whenever any building or other real or personal property, except property in transit, shall be destroyed or injured in consequence of any mob or riot composed of twelve or more persons, the city, or if not in a city, then the county in which such property was destroyed shall be liable to an action by or in behalf of the party whose property was thus destroyed or injured, for three-fourths of the damages sustained by reason thereof.

There is nothing in the report of these cases, as found in the Federal Reporter, to show whether the causes of action arose during a labor disturbance or a strike, but the clerk of the circuit court, in response to a communication from the Department of Labor, says: "According to the brief reference in the declaration in Pennsylvania Company *v.* City et al., the destruction of the property complained of occurred during the riots of July 6, 1894." These riots grew out of the great "Chicago strike" of June–July, 1894. The circuit court rendered its decision June 1, 1897, and decided that the statute above quoted was constitutional and valid.

The opinion of the court was delivered by District Judge Grosscup, and the following is quoted therefrom:

The declaration avers the possession of property by the plaintiffs and its destruction within the city of Chicago, at the time named, in consequence of a mob of twelve or more persons, and there is in its averment substantially nothing more. The declaration in no feature proceeds upon any grounds of negligence or misconduct upon the part of the city or any of its agencies, nor upon the ground of any contract

relation between the city and the plaintiffs. The defendant pleads that it in fact exercised all its power to prevent the loss complained of; that the State of Illinois and the United States of America, equally with the city of Chicago, were interested and engaged in protecting the property eventually lost, and that the city of Chicago has no property or funds, except such as can hereafter be raised by taxation, to meet the payment of such losses. The plaintiffs have demurred to these pleas, the consideration of which carries the case back to the declaration.

The statute upon which the case proceeds is one of indemnity, pure and simple, and can be sustained only upon the principle that a State may rightfully and constitutionally compel its subdivisions, such as counties or cities, to indemnify against losses arising from mobs and riots within their limits, independently of any misconduct or negligence upon the part of such city or county, to which the loss can be attributed. The statute in question burdens the taxpayers of the city to reimburse the losses suffered within its limits by means of a mob of twelve or more persons, independently entirely of any connection, other than that arising from locality, between the city and such losses. The question thus raised has been argued with great ability by counsel for the city, and, if the question were an original one, or had not been disposed of by such weight of authority, I might have come to a conclusion different from that which I shall now announce. The same question has been before the courts of last resort. New Hampshire: Underhill *v.* Manchester, 45 N. H., 214. New York: Darlington *v.* Mayor, etc., 31 N. Y., 164. Pennsylvania: Allegheny *v.* Gibson, 90 Pa. St., 397. In each of these cases the constitutional validity of similar statutes has been upheld. The doctrine announced in these cases has likewise received the approval of Judge Cooley. (Cooley, Taxation, 480.) The right of a State to impose such a burden upon a municipality is touched upon in the opinion, though not involved in the decision, of the Supreme Court of the United States in Louisiana *v.* Mayor, etc., of city of New Orleans, 109 U. S., 285, 3 Sup. Ct., 211, where it is said:

"The right to reimbursement for damages caused by a mob or riotous assemblage of people is not founded on any contract between the city and the sufferers. Its liability for the damages is created by a law of the legislature, and can be withdrawn or limited at its pleasure. Municipal corporations are instrumentalities of the State for the convenient administration of government within their limits. They are invested with authority to establish a police to guard against disturbance; and it is their duty to exercise their authority so as to prevent violence from any cause, and particularly from mobs and riotous assemblages. It has, therefore, been generally considered as a just burden cast upon them to require them to make good any loss sustained from the acts of such assemblages which they should have repressed."

The above quotation, it is true, is obiter dicta; neither is it at all clear that the court had in mind any other than a case where, by the exercise of any or all of the city's legitimate powers, the mob could have been repressed. But there is a bearing in the intimation, taken in connection with the preceding authorities, especially in the absence of any countervailing decision, which seems to carry the sanction of the court (United States Supreme Court) to the constitutionality of such statutes; at least there is enough to prohibit a trial court from declaring the statute unconstitutional, except upon grounds the clearness and stability of which are beyond question. Upon these considerations, I feel it my duty to sustain the demurrers.

EIGHT-HOUR LAW—RIGHT OF ACTION OF LABORER IN EMPLOY OF THE UNITED STATES FOR COMPENSATION FOR ADDITIONAL HOURS—*Coleman v. United States, 81 Federal Reporter, page 824.*—This suit was brought in the United States district court for the district of Kentucky, and the decision of said court was rendered June 1, 1897.

All the facts in the case and the reasons for the decision are given in the opinion of the court, which was delivered by District Judge Barr, and which reads as follows:

In this case the plaintiff alleges that—

"On the —— day of February, 1888, he was employed as a laborer on a dredge boat on the Louisville and Portland Canal, in the State of Kentucky, for the United States, at a salary of $40 per month, and continued to discharge the duties of such position as laborer on said dredge boat at said place and at said salary until the 3d day of September, 1890, when he was relieved from duty on said canal, and he has not done any work for the United States since that time. That, during the time above referred to, he discharged the duties of laborer on said dredge boat, and was so employed and performed the duties of said laborer, and that he was compelled to, and did, work and labor as such laborer during each and every day of said time, Sundays excepted, and was on duty and worked each day for ten hours, and not less. That he never had any special agreement or contract with the United States, or with any of its officers, department officials, or representatives, that he was to work or be on duty for ten hours per day for the same sum per month as specified above, nor did he ever agree to work ten hours a day for the same amount of salary and pay as for eight hours a day. That, contrary to law, he was compelled to, and did, work, and was on duty each day of said time, Sundays excepted, for two hours longer than a legal day's work, to wit, eight hours per day; and the United States then and there received the benefit and accepted his said two hours of labor during each day of his said time, Sundays excepted. The United States then and there became indebted to the petitioner upon an implied contract for the value of said two hours additional work and labor during said time. That said additional labor so received during said time was and is of the value of $1,000. Said sum is still due and unpaid."

To this petition the United States have filed a general demurrer. Section 3738, Rev. Stat., declares: "Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States;" and the question under this demurrer is whether or not this provision of the law gives the petitioner, Coleman, a right of action for the extra time over the eight hours per day for which he was employed.

The Supreme Court, in United States *v.* Martin, in considering this statute, says:

"We regard the statute chiefly as in the nature of a direction from the principal to his agent that eight hours is deemed to be a proper length of time for a day's labor, and that his contract shall be based upon that theory. It is a matter between the principal and his agent in which a third party has no interest." (94 U. S., 404.)

Subsequent to this employment, to wit, by an act approved August 1, 1892, Congress declared that "the service and employment of all laborers and mechanics * * * upon any of the public works of the United States * * * is hereby limited and restricted to eight hours in any

one calendar day, and it shall be unlawful for any officer of the United States * * * or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics, to require or permit any such laborer or mechanic to work more than eight hours a day, except in case of extraordinary emergency," and prescribes that the person who violates this provision of the law shall be guilty of a misdemeanor, and punished upon conviction. The provisions of this act, however, do not have any application to the case at bar, as all contracts made prior to its passage are expressly excluded, but it (the act) is material in considering how Congress construed the act of 1868 (which is now section 3738), and shows, we think, quite clearly that that act was never intended to give the laborer or workman or mechanic a right of action, or to raise an implied contract, if they should work more than the time.

The fact, as alleged, that this party was paid a salary of $40 a month, and there being no allegation that the money was not received regularly, and no allegation that he protested either at the time of receiving the money or during the time when the work was performed, precludes, we think, any right of action now. The mere allegation of the petition that he never made any special agreement or contract with the United States, or with any of its officers, that he was to work or to be on duty for ten hours per day for the sum specified, nor that he ever agreed to work for ten hours per day for the same amount of salary and pay as for eight hours, is not sufficient to raise an implied contract, and give him a right of action for the extra two hours per day. Even if the construction of the statute herein indicated is too broad, and the petitioner is entitled to its benefit, he would have no right of action now, since the Government or its agents should have had notice, by protest or objection, that the petitioner, who had agreed to labor at a salary of $40 per month, claimed that the agreement required that he should only work eight hours a day of each day for the month. We conclude as the statute did not make a contract between the United States and the petitioner that a day's work should be eight hours, that the receipt of the money, the $40 a month, as compensation for his month's labor, precludes any recovery now.

The act of 1868 was not a contract between the Government and its laborer that eight hours shall constitute a day's work. It did not prevent the Government from making agreements, either express or implied, by which a day's labor could be more or less than eight hours a day; nor does it prescribe the amount of compensation for that or any other number of hours labor. This is clearly decided in United States *v.* Martin, supra. We conclude therefore that the demurrer should be sustained.

Eight-hour Law—Right of Laborer to Recover Compensation for Additional Hours—*Billingsley v. Board of Commissioners of Marshall County, 49 Pacific Reporter, page 329.*—Action was brought in the district court of Marshall County, Kans., by S. C. Billingsley against the board of county commissioners. A judgment was rendered for the defendant, and the plaintiff brought the case on writ of error before the court of appeals of the State, which rendered its decision June 16, 1897, and affirmed the judgment of the lower court.

No statement of facts appears in the case further than that contained in the opinion of the court, which was delivered by Judge Wells, and which reads as follows:

The only question in this case is whether a person can contract with a county to do certain clearly specified and described work for a certain specified sum monthly, perform the services, and receive pay therefor under the contract, and then, after the expiration of the contract and all renewals thereof, upon a showing that in the performance of said contract more than eight hours of labor a day were required and by him performed, collect of said county pay for such excess over eight hours a day, under the provisions of chapter 114, laws 1891. In the consideration of this question, let us assume, as claimed by plaintiff in error, that the object of this law is: First, to shorten the hours of labor for the employed; second, to give the unemployed a better chance to get work, and then inquire how either of these objects is to be aided by allowing one man to contract to do a day and a half's work each day, and then collect for the excess. It seems to us that the allowance of the plaintiff's claim would directly tend to defeat both.

It is a familiar rule that a thing may be within the letter of a statute, and yet not within the statute, because not within its spirit or intention. But in this case the claim of the plaintiff is not within the letter of the law. The law referred to makes it unlawful for any county or any contractor therewith to require or permit any person to work more than eight hours per day under any contract with it, except in cases of extraordinary emergency, as therein designated. In this case there was no claim of any such emergency as contemplated in the exception. We are therefore presented with this alternative: Either the plaintiff in error violated the letter and spirit of the law in question, and now insists on being paid for doing so, or that chapter does not apply to cases of this kind. Each of these positions is equally fatal to the plaintiff's claim. It is an elementary principle of law that a person can not base a cause of action upon his own wrong.

In the case at bar, if the services performed came within the scope of said chapter 114, then it was unlawful for the plaintiff to work more than eight hours each day, and it was unlawful for the commissioners to allow him to do so; and he by his act violated the law, and subjected the commissioners, if not himself, to a criminal prosecution, and now asks to profit by it. The writer of this is of the opinion that the law in question only applies to people who work by the day, and not to those taking contracts of a certain amount of work for so much money. Chief Justice Horton, speaking for the supreme court in State *v.* Martindale, 47 Kans., 150, 27 Pac., 852, says: "The words 'laborers, workmen, mechanics, and other persons,' in section 1, chapter 114, evidently do not embrace any officer or employee for whom an annual salary has been specifically named and appropriated by the legislature. Further, chapter 114 is a penal statute, and must therefore be strictly construed. It can not be extended by construction." The decision of the court below will be affirmed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—FELLOW-SERVANTS—*Wright v. Southern Ry. Co. et al., 80 Federal Reporter, page 260.*—This action was brought in the United States circuit court for the western district of North Carolina by one Wright against the above-named railway company to recover damages for personal injuries incurred while in the employ of said company. The injuries he complained of were incurred some time prior to February 23, 1897, the date of the passage by the legislature of North Carolina of an act regarding the liability of railroad companies for injuries to their employees, which act reads as follows:

SECTION 1. Any servant or employee of any railroad company operating in this State, who shall suffer injury to his person, or the personal representative of any such servant or employee who shall have suffered death in the course of his services or employment with said company by the negligence, carelessness, or incompetency of any other servant, employee, or agent of the company, or by any defect in the machinery, ways, or appliances of the company, shall be entitled to maintain an action against such company.

SEC. 2. Any contract or agreement, expressed or implied, made by any employee of said company to waive the benefit of the aforesaid section shall be null and void.

SEC. 3. This act shall be in force from and after its ratification.

The plaintiff, by his counsel, claimed that while his injury might have been caused by the negligence of a fellow-servant, which under the common law would have prevented him from recovering damages, yet this act changing the common law on that point should be construed to have a retroactive effect and should be held to apply and govern in his case. The United States circuit court rendered its decision April 30, 1897, and on this point it decided adversely to the plaintiff's contention.

In the opinion of said court, delivered by District Judge Dick, the following language was used in considering this point:

The counsel of plaintiff, in their argument, called the attention of the court to the recent statute of this State changing and modifying the legal doctrines in regard to fellow-servants established in the Federal courts and some State courts by judicial decisions founded upon the general principles of the common law. They confidently insisted that, as such statute was manifestly remedial in its nature, and conformed in some degree to the law on the subject announced by the supreme court of this State, it should be construed to have a retroactive effect in this case, at least to the extent of carrying into application the principles of the common law as declared by the supreme court of the State as to the relations of fellow-servants.

The statute may be expedient, just, and salutary in its objects and purposes, and it shows a manifest legislative intent to remedy what was regarded as existing evils arising from extra State judicial decisions; but, as the statute contains no express provision for retrospective operation, I must conclude to observe the general and sound rule for the construction of statutes, and give this State statute only prospective operation. I may well presume that, if the State legislature had intended to make this important statute retroactive, the purpose would

have been clearly, directly, and positively expressed in the body of the statute. If the legislature, in express terms, had given this statute a retrospective operation, then questions of law as to its constitutionality would have been presented to the courts. I will not consider such questions further than to say that, in my opinion, a retrospective operation of the statute in this case would clearly and injuriously affect vested rights acquired by contract, and impose new liabilities, which were not in existence and were not contemplated by the parties, when they entered into the relation of master and servant for the operation of the railway. At the time this cause of action arose the nonresident corporation defendant was entitled by the laws of the United States to have its obligations, duties, and liabilities passed upon in a Federal court, and be determined by the principles of law declared and established by the Supreme Court of the United States.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—FELLOW-SERVANTS, ETC.—*Boston and Maine R. R. Co. v. McDuffey et al., 79 Federal Reporter, page 934.*—Action was brought in the United States circuit court for the district of Vermont by the widow and children of James B. McDuffey against the above-named railroad company for damages for the death of said McDuffey, who, while on his engine as a locomotive engineer in the employ of said company, was killed by collision with another train at Capleton, in the Dominion of Canada. A judgment was rendered for the plaintiffs, and the defendant company brought the case on a writ of error before the United States circuit court of appeals, second district, which rendered its decision April 8, 1897, and reversed the judgment of the lower court.

The points upon which the decision was made are of no particular interest, but in the course of the opinion, delivered by Circuit Judge Lacombe, one interesting point was decided in favor of the plaintiffs. The following, quoted from the opinion, shows the facts in the case and the point above referred to:

The defendant, a Massachusetts corporation, operated a continuous line of railroad from White River Junction, in Vermont, to Sherbrooke, in the Province of Quebec. McDuffey was a citizen of Vermont, resident at Lyndonville, in that State, where he entered into the employment of defendant, at first as fireman, afterwards as engineer. For about three years he drove the engine of a freight train between points wholly in the State of Vermont. In July, 1892, he was, at his own request, employed to drive an engine drawing a passenger train between White River Junction, Lyndonville, and Sherbrooke. It was while thus employed that he met his death, on March 12, 1894. It was contended that defendant had failed to supply reasonably safe appliances, in that a water tank on the tender was insecurely fastened, but the jury, to whom special questions were submitted, found against the plaintiffs on that issue. The jury further found that two of McDuffey's fellow-servants, viz, Robinson, the conductor of his train, and Mower, the engineer of the colliding train, were negligent, and that such negligence caused the catastrophe.

The Civil Code of Lower Canada (article 1056) provides as follows: "In all cases where the person injured by the commission of an offense, or a quasi offense, dies in consequence, without having obtained indemnity or satisfaction, his consort and his ascendant and descendant relations have a right, but only within a year after his death, to recover from the person who committed the offense, or quasi offense, * * * all damages occasioned by such death."

It is not disputed that Robinson and Mower were fellow-servants with McDuffey. Had this accident occurred in Vermont, and McDuffey survived, the fact that the negligence which caused the collision was, as the jury has found, that of a fellow-servant, would have prevented recovery.

The law of Canada was proved as a fact in the circuit court. Besides article 1056, already quoted, the following articles from the Civil Code were read:

"ART. 1053. Every person capable of discerning right from wrong is responsible for the damage caused by his fault to another, whether by positive act, imprudence, neglect, or want of skill.

"ART. 1054. He is responsible not only for the damage caused by his own fault, but also for that caused by the fault of persons under his control, and by things which he has under his care. * * * Masters and employers are responsible for the damage caused by their servants and workmen in the performance of the work in which they are employed."

The expert called for plaintiffs testified without contradiction that, as construed by the Canadian courts, these articles applied to corporations, and that, where an accident causing injury to a servant was the result of the negligence of a fellow-servant, the employer would nevertheless be liable in damages to the injured person, and, in the event of his death within the time prescribed, to the persons to whom article 1056 gave the right of recovery [wife, children, etc.].

It is contended by plaintiff in error, however, that the law of Vermont is to be applied here, and that since it appears from the special verdict that the efficient cause of the accident was the negligence of a fellow-servant, plaintiffs can not recover. In other words, does the law of Canada or the law of Vermont determine the question of liability for the consequence of this accident?

This is not an action to recover upon a contract, but for damages resulting from a tort committed elsewhere than in the State where the action is brought. The right of action accrued where the tort was committed, and it is to enforce such right of action that suit is brought. It is sufficient to refer to Railroad Co. *v.* Babcock, 154 U. S., 190, 14 Sup. Ct., 978 (citing, with approval, Herrick *v.* Railroad Co., 31 Minn., 11, 16 N. W., 413), as authority for the proposition that "in such cases the law of the place where the right was acquired or the liability was incurred will govern as to the right of action; while all that pertains merely to the remedy will be controlled by the law of the State where the action is brought. And we think the principle is the same whether the right of action be ex contractu or ex delicto."

The question whether or not an injured servant shall have a right of action for damages against a negligent master, when such master's negligence has been committed through the instrumentality of another servant, is one which deals with the right of action itself, not with the remedy. In our opinion, it makes no difference that the contract by which the relation of master and servant was established was made in Vermont. Conceding that it is to be assumed that, under such contract

of employment, McDuffey assumed the risks incident to the negligence of his fellow-servants on so much of his run as lay within that State, where such negligence gives no right of recovery for resulting injuries or death, it does not follow that he agreed thereby to assume like risks when running his engine in Canada, where the statutes gave a right of recovery therefor.

INTERPRETATION OF STATUTE—ASSIGNABILITY OF PREFERRED CLAIMS FOR WAGES—*Falconio v. Larsen, 48 Pacific Reporter, page 703.*—Action was brought in the circuit court of Multnomah County, Oreg., by Donny Falconio against E. S. Larsen to establish certain claims for wages. Judgment was rendered for the plaintiff, and the defendant appealed the case to the supreme court of the State. Said court rendered its decision May 1, 1897, and affirmed the judgment of the circuit court.

The opinion of the supreme court was delivered by Judge Wolverton, and the following, quoted therefrom, shows the facts in the case and the principal points of the decision:

The purpose of this action is to establish 98 different and distinct claims, ranging in amount from $1.25 to $100, preferred by certain laborers and employees against the estate of E. S. Larsen, an insolvent debtor, for labor and services rendered the said Larsen within ninety days prior to the date of his assignment for the benefit of his creditors, and is prosecuted under the provisions of an act entitled "An act to protect employees and laborers in their claims for wages," approved February 20, 1891. Larsen was a contractor for the construction of a ditch for irrigating purposes in Wasco County, and the claimants were laborers, and in that capacity performed work, labor, and services thereon at his special instance and request. Each of them made a statement of his claim under oath, in all respects as required by the statute, and presented the same to the assignee within thirty days after the assignment. Some twenty days later, Larsen filed exceptions thereto, and thereafter they were all assigned by the claimants to Donny Falconio, who brings this action, setting forth in his complaint as many different causes of action as there were original claimants. It is alleged that each of said claims was assigned for collection, and that the amount collected is to be paid to the respective claimants.

The principal question suggested by the controversy is touching the assignability of claims of laborers, the preferment of which the enactment is designed to promote. No contention is made but that the claimants might each for himself have prosecuted an action in his own name of the nature here adopted to establish his individual claim; but it is insisted that the preference which the law raises is a privilege strictly personal to the claimant, and one which he alone can exercise; that the mode or process by means of which he may avail himself of the privilege is specifically pointed out by statute, and, being a procedure unknown to the common law, it should be strictly followed in the establishment of the preferential right, and, until fully perfected, it is not in any event assignable. The statute, in so far as it concerns the case at bar, is in effect as follows:

That hereafter, whenever any assignment for the benefit of creditors

shall be made, the debts owing to laborers or employees, which have accrued by reason of their labor or employment, to an amount not exceeding $100 to each employee for work and labor performed within 90 days next preceding the assignment, shall be considered and treated as preferred debts, and such laborers and employees shall be preferred creditors, and shall first be paid in full; but, if there be not sufficient to pay them in full, then the same shall be paid to them pro rata after paying costs. Any such laborer or employee desiring to enforce his claim for wages under sections 1, 2, and 3 of this act, shall present a statement under oath, showing the amount due after allowing all just credits and set-offs, the kind of work for which said wages are due, and when performed, to the assignee, within 30 days after the property shall have been placed in the hands of such assignee. (The form of the statement is given, and runs in the first person.) And thereupon he shall serve upon the debtor, or upon his assignee where personal service can not be had, a copy of such claim, and thereafter it shall be the duty of the assignee to report the amount of such claim or claims to the court having jurisdiction, together with a statement of all costs occasioned by the assignment; and such court shall order said claims to be paid after payment of costs and expenses of the assignment, out of the proceeds of sales of the property assigned: *Provided*, That any person interested may contest such claim or claims, or any part thereof, by filing in said court exceptions thereto, supported by affidavit; and thereupon the claimant shall be required to establish his or her claim by judgment in such court before any part thereof shall be paid. When any claim is excepted to, the person desiring to establish the same shall file in said court his verified complaint, as in an action at law, and serve the same upon the person excepting and the principal debtor, and thereafter the cause shall proceed to final judgment between said parties as an action at law. Section 2 provides for the adjustment of costs and attorney's fees, and section 3 that the assignee shall not be discharged until every claimant presenting his or her claim under the provisions of the act shall have been paid in full or pro rata, or shall have consented to the discharge.

The act creates a new right, and prescribes a remedy for its enforcement. In so far as it imposes a burden upon specific property, it should be strictly construed; but, where the right is clearly given, the interpretation should be such as will promote, rather than impede or destroy, the remedy, so as to meet, if reasonably within the terms of the statute, the exigencies which impelled the enactment. In other words, a remedy is the concomitant of a right; and, where a new right is established, its usefulness depends upon the means of its enforcement, so that, when the legislature attempts to prescribe a remedy, it will be presumed that it intended to adopt such a one as will effectuate the purpose, and the interpretation of the remedial enactment will be such as to promote the intendment as fully as the language employed will admit. The undoubted purpose of the act was to constitute the laborer or employee a preferred creditor, as it pertains to the property of his employer seized upon by any process, or passing to a receiver or assignee. Under all the conditions enumerated, the property is placed in custodia legis, and thereafter it is administered in pursuance of law; and the act in question imposes an additional burden upon it, and subjects it, first, after the payment of certain costs, to the payment of the labor claims designated.

The enactment does not create a lien, but invests the laborer or employee with all the rights and privileges incident to the relation of preferred creditor, and directs the order of payment out of a fund which is already in the custody of the law, for the purpose of

administration, in subordination to its rules and regulations. The act declares that hereafter, when the property of any person shall be seized, etc., such laborers or employees "shall be preferred creditors, and shall first be paid." (Acts 1891, p. 81, sec. 1.) Thus, the legislature has inseparably coupled the preference with the event, which inures instanter upon the happening thereof, to the benefit of the designated classes. It is a substantive right, created by edict, and not the right to acquire it by the doing of certain things or the observance of any conditions. The property is charged, ipso facto the happening of the seizure or the assignment, with the prior payment of the debts of laborers or employees, which have accrued under the conditions contemplated. With the right or preference thus clearly established, it remains to examine the manner of its enforcement, and to determine to what extent the remedy must be pursued as a personal privilege.

Manifestly, the statute comprehends only such debts as are owing to the laborers or employees at the date of the seizure or assignment, and these debts are denominated "claims for wages." Now, it is provided that any such person desiring to enforce such a claim shall, in case of an assignment, present a statement, made out and verified in the form and manner prescribed, to the assignee, within thirty days after the property has been placed in his hands, and serve a copy upon the debtor. Such is the method by which a claimant may avail himself of his preference. Thus far it would seem that the privilege is personal to the laborer or employee, as he may adopt the remedy if he desires within the statutory period, or he may waive it as a debtor may waive his exemptions from seizure upon execution, by not claiming them in due season from the officer having the property in charge. When a claim is thus presented, a duty is devolved upon the assignee to report it to the court, and upon the court to direct its payment first, after the payment of the costs and expenses of the assignment, out of the proceeds of the sale of the property. But it further provided that any person interested may contest such a claim by filing exceptions thereto, and thereafter it is made incumbent upon the claimant to establish the same by filing a verified complaint, as in an action at law, and that thereafter the cause shall proceed to judgment between the parties.

We take it that the matter which is here made the subject of litigation and contest is the debt, and it is the province of the court to determine the nature, and what, if any, [of] such debt has accrued and remains unpaid; but whether or not the claim has been properly made out or verified or presented, and whether within the prescribed time, are purely questions of law that have necessarily to be passed upon, whether there is a contest or not. So that the purpose of the contest is not to establish the preference, but the claim. The preference is established when the privilege is exercised by a due presentment of the verified statement. Now, it will be conceded that the claim, aside from the preference which may be denominated a "personal privilege," is assignable, and, under the code practice, may be sued upon by the holder in his own name; but, when the privilege is exercised, the preference becomes an incident of the debt, which is thereby constituted a preferred claim, and when the debt is assigned the incident accompanies it. So we see no reason why the assignee of the debt may not file a complaint in his own name to establish the claim, as he might do upon the simple demand, and, if established, the preference abides with it still, as an incident.

The right of exercising the privilege in claiming the preference we hold to be personal; but, when exercised by the presentation of the

statement, the preference becomes an incident of the debt or claim for wages, and may be assigned; and henceforth the action may be prosecuted in the name of the legal owner and holder of the claim if contested. This interpretation is manifestly in consonance with the spirit of the act. It was designed to protect a deserving class of individuals, who are usually dependent upon their recent earnings for the sustenance of themselves and those dependent upon them, and it was undoubtedly the purpose of the legislature to make the wages of labor speedily available, and the assignment of their preferred claims would more frequently promote the purpose than otherwise. Judgment affirmed.

DECISIONS UNDER COMMON LAW.

BENEFICIAL ASSOCIATIONS—RIGHT OF ACTION BY MEMBER—*Martin v. Northern Pacific Beneficial Association, 71 Northwestern Reporter, page 701.*—One Joseph A. Martin was a member of the above-named association, which was unincorporated and composed of officers and employees of the Northern Pacific Railway Company, the object of said association being to provide relief for its members when disabled by accident or sickness, and at their death for their families. He was injured by an accident, and thereupon he was taken to the hospital of the association for medical treatment, pursuant to the constitution and by-laws of the association, where, through neglect and maltreatment, he died. His wife, Margaret K. Martin, as administratrix, sole heir, and next of kin, brought suit against said association in the district court of Hennepin County, Minn., to recover damages suffered by reason of his death in the manner aforesaid. The association demurred to her complaint and the court issued an order sustaining said demurrer. From this action the plaintiff appealed to the supreme court of the State, which rendered its decision June 15, 1897, and affirmed the action of the lower court.

The opinion of the supreme court was delivered by Judge Buck, and from the same the following, showing the reasons for the decision, is quoted:

There is no allegation or pretense that this association is a corporation. It is merely a combination or association of individuals, and no one was to be liable except for assessment, with the right to surgical care and treatment in case of injury while in the employment of the railroad company. The suit is one at law for a tort. As the deceased was a member of the association, he must be deemed to have been as much a party to the selection of the physicians and nurses at the hospital and its management as any other member of the society. No member had any greater or less rights or obligations than the deceased. The employees at the hospital were just as much the servants of Mr. Martin as they were of all or any other one of his associates, and he could not bring a suit against another for a personal wrong done him by such servant, because it would be as much the act of Martin as that of his associates. If a tort has been committed upon the person of Mr. Martin by the employees of the association, the remedy is against those who committed it, either separately or jointly, and not against

the association. Martin was in the hospital by virtue of his membership in the association. He had the same interest in the whole subject-matter of its operation and management as any other member. This being so, he, as one of the members of the association, could not have maintained such an action, and hence his personal representative can not do so.

Counsel for appellant cite General Statutes, 1894, section 5177, as authority for maintaining this action against defendant under their firm name. That section provides that when two or more persons associate in business, and transact such business under a common name, they may be sued by such common name, and, when judgment is obtained, it shall bind the joint property of all the associates in the same manner as if all had been named as defendants. That rule would be applicable where the plaintiff had a cause of action against those who were associated and doing business under a common name, but it does not apply to the case at bar, because plaintiff has no cause of action against the association, either upon contract or tort.

In the case of McMahon *v.* Rauhr, 47 N. Y., 67, it was held that part of the members of an unincorporated association could not sue the rest at law, on the contract of the association. To the same effect is Burt *v.* Lathrop, 52 Mich., 106, 17 N. W., 716. If a suit at law on contract against such an unincorporated association will not lie, certainly one based upon tort committed by some of its members can not be upheld.

EMPLOYERS' LIABILITY—CONTRIBUTORY NEGLIGENCE—*Lasch v. Stratton et al., 42 Southwestern Reporter, page 756.*—This case was appealed from the circuit court of Jefferson County, Ky., to the court of appeals of the State, and the decision of said court was rendered October 6, 1897, and reversed the decision of the lower court, which had rendered a judgment for Stratton et al., the defendants above named. The plaintiff brought the suit for damages for injuries sustained while in the employ of the defendants, caused, as was shown by the evidence, by a defective machine at which he was working. The defendants alleged contributory negligence on his part, and that he was therefore not entitled to damages.

On this point the court of appeals used the following language in its opinion, which was delivered by Judge Guffy:

It is earnestly contended by counsel for appellees that the evidence shows contributory negligence upon the part of the appellant, or at least his knowledge of danger was such as to preclude his right to recover. It will be seen from the evidence that the appellant, a minor, had knowledge that some time before his injury other servants had been injured by the machine which he was operating; but it is also shown by the testimony that appellant notified the foreman of appellees, who had charge and management of the factory, that the machine was dangerous, or at least expressed a fear of it, but he was assured by the foreman that the machine was all right and not dangerous; and it further appears that the appellant relied upon the assurance of the foreman and commenced operating the machine.

It seems clear to us, upon both reason and authority, that in this case

appellant had the right to rely upon the assurance of the agent of the master as to the safety of the machine, and that appellant was not in any sense guilty of contributory negligence.

EMPLOYERS' LIABILITY—DUTIES OF THE MASTER—ASSUMPTION OF RISK BY EMPLOYEE—*Mangum v. Bullion Beck and Champion Mining Company, 50 Pacific Reporter, page 834.*—Action was brought in the district court for the fifth district of Utah, by Willis L. Mangum against the mining company above named, to recover damages sustained while in its employ. The facts appear to be that the plaintiff, while being lowered in the cage down the shaft of the mine, was, through some defect in the machinery, thrown down and severely injured by the violent and sudden stopping of the cage; that the defect in the machinery caused the cable by which the cage was suspended to vibrate; that it was this vibration of the cable which, in the opinion of expert witnesses, caused the cage to stop at the time of the accident, and that the plaintiff was aware of this vibration before he entered the cage on the trip during which he was hurt. A judgment was rendered in the district court in favor of the plaintiff, and the defendant company appealed the case to the supreme court of the State, which rendered its decision October 30, 1897, and affirmed the decision of the district court.

In the opinion of the supreme court, which was delivered by Judge Bartch, the law upon certain interesting points is laid down as follows:

While the employer is not required to furnish machinery and appliances for the use of his servant which are absolutely safe, or to furnish the best which can possibly be obtained, still it is his duty to exercise ordinary and reasonable care and diligence to obtain and furnish such as are reasonably safe, and reasonably well adapted to perform the work for which they are intended, and such as the servant may, with the exercise of ordinary prudence and care, use in the performance of his work with reasonable safety to himself; and it is likewise the employer's duty to exercise reasonable care in operating the same, and to keep them in suitable condition and repair.

The mere fact that the respondent [Mangum] was aware that the cage was shaking, and not running smoothly, is not sufficient to justify us in holding that he had assumed the risk, and there is no evidence to show that the defects were of such an obviously dangerous character that he ought to have appreciated the risk, and ceased his employment, or that a man of reasonable precaution, placed under similar circumstances, would have done so. It is shown that the plaintiff was not skilled in mechanic arts, had never worked in a machine shop, and never had anything to do with machinery, except in this mine. Therefore he had the right to rely, at least to a reasonable extent, on the judgment of his employer, who is presumed to have a knowledge of the machinery used in his business, and to assume that he would discharge his duty by furnishing reasonably safe machinery and keeping it in proper condition and repair. Where an employee has knowledge

of defects in machinery used in his employment, and the defects are not so dangerous as to threaten immediate injury, or the danger is not such as to be reasonably apprehended by him, his continuance in the service will not defeat a recovery for injuries resulting from such defects. If, however, the defects are so obviously and immediately dangerous that a person of ordinary prudence and precaution would refuse to use the machinery, then, if the servant continues its use, he assumes the risk.

"Mere knowledge of the defect is not sufficient, unless it does or should carry to a servant's mind the danger from which he suffered. A servant may assume that the master will do his duty; and therefore, when directed by proper authority to perform certain services, or to perform them in a certain place, he ordinarily will be justified in obeying orders, subject to the qualification that he must not rashly or deliberately expose himself to unnecessary and unreasonable risks which he knows and appreciates. It is one thing to be aware of defects, and another to know and appreciate the risks resulting therefrom." (Thomas Neg., 851.)

In Patterson *v.* Railroad Co., 76 Pa. St., 389, Mr. Justice Gordon, delivering the opinion of the court, said: "In this discussion, however, we are not to forget that the servant is required to exercise ordinary prudence. If the instrumentality by which he is required to perform his service is so obviously and immediately dangerous that a man of common prudence would refuse to use it, the master can not be held liable for the resulting damage. In such case the law adjudges the servant guilty of concurrent negligence, and will refuse that aid to which he would otherwise be entitled. But where the servant, in obedience to the requirement of the master, incurs the risk of machinery, which, though dangerous, is not so much so as to threaten immediate injury, or where it is reasonably probable it may be safely used by extraordinary caution or skill, the rule is different. In such case the master is liable for a resulting accident."

In Lee *v.* Railroad Co., 101 Cal., 118, 35 Pac., 572, the supreme court of California, respecting the risk of an employee, said: "It is not only necessary that an employee should know of the defect in the machinery in order to hold that he assumed the risk, but the danger arising from the defect must also be known or reasonably apprehended by him." So in Railroad Co. *v.* Herbert, 116 U. S., 642, 6 Sup. Ct., 590, Mr. Justice Field said: "The servant does not undertake to incur the risks arising from the want of sufficient and skillful colaborers, or from defective machinery or other instruments with which he is to work. His contract implies that in regard to these matters his employer will make adequate provision that no danger will ensue to him. This doctrine has been so frequently asserted by courts of the highest character that it can hardly be considered as any longer open to serious question."

We find no reversible error in the record. The judgment is affirmed.

EMPLOYERS' LIABILITY—NEGLIGENCE OF EMPLOYER—*Knickerbocker Ice Co. v. Finn, 80 Federal Reporter, page 483.*—William Finn, an employee of the above-named ice company, recovered a verdict in the United States circuit court for the southern district of New York in an action against said company for damages caused by the kick of a horse

belonging to said company. The ice company appealed the case to the United States circuit court of appeals for the second circuit, which rendered its decision May 3, 1897, and sustained the judgment of the circuit court.

The following, quoted from the opinion of the circuit court of appeals, shows the important part of the decision:

The defendant's remaining point is that the plaintiff was, in driving the horse, disobeying a rule of the defendant, and was therefore guilty of contributory negligence. The defendant had a rule, on paper, which Finn knew, and which prohibited any employee, except the drivers themselves, from driving the horses. There was ample evidence that this rule was, and was known by the company to be, a dead letter. The defendant insisted that the plaintiff ought not to recover, because at the time he was hurt he was acting in violation of this rule.

The court [circuit court] charged as follows:

"If there was a rule of that character in force, and the plaintiff was violating it at the time he received this injury, he is not entitled to recover; but if you come to the conclusion that, although there was such a printed regulation, it was not enforced, it was a dead letter, that everybody connected with the company knew that the helpers were expected on occasions to drive the defendant's horses, and that the plaintiff was injured while driving upon one of these occasions, then the rule is no defense."

To the correctness of this charge, both in morals and in law, there can be no valid objection. An employer can not be permitted to set up as a valid defense against the consequences of his own negligence the employee's violation of a rule which the employer had knowingly permitted to be practically abandoned. The judgment of the circuit court is affirmed.

INJUNCTION—INTIMIDATION OF EMPLOYEES—DAMAGES—*O'Neil v. Behanna et al., 37 Atlantic Reporter, page 843.*—A bill for an injunction and damages was filed in the court of common pleas of Fayette County, Pa., by one Margaret O'Neil, doing business as the Fayette City Coal Works, against Noah Behanna and others. There was a decree for the defendants on a report of a master in chancery, and the plaintiff appealed the case to the supreme court of the State. Said court rendered its decision July 15, 1897, and reversed the decision of the lower court.

The only statement of facts in the case is that given in the opinion of the supreme court, which was delivered by Judge Mitchell, and from which the following is quoted:

We are obliged to differ wholly from the view of the facts reported by the learned master. It is totally irreconcilable with the testimony, read in the light of experience and a knowledge of human nature. Nor can we agree entirely with the view of the court below, though it is more in accordance with the evidence and the law. The learned judge, in his opinion, says: "The testimony establishes the fact that certain

of the defendants overstepped these bounds, and used annoyance, intimidation, ridicule, and coercion to prevent new men from engaging in work for the plaintiff. When the new men were followed, and importuned not to work, from their point of embarkation to their destination, and there met by the strikers in considerable numbers, and followed to their lodging places, all the time being pressed and entreated to return, and called 'scabs' and 'blacklegs,' and sometimes surrounded, and the effort made to pull them away, and unfriendly (at least) atmosphere about everywhere, it must be admitted that there was something more than mere argument and persuasion and the orderly and legitimate conduct of a strike. This was certainly serious annoyance, and well calculated to intimidate and coerce; and that effect was apparently produced on more than one occasion. Nor did such acts entirely end when the men imported actually began work, but such men were on occasions, and in a less public manner, approached in a like manner in their intervals of labor, and advised that there would be trouble there and they had better leave. No actual violence, however, was employed."

This is a mild and judicially restrained statement of what the evidence clearly showed. The strikers and their counsel seem to think that the former could do anything to attain their ends, short of actual physical violence. This is a most serious misconception. The "arguments" and "persuasion" and "appeals" of a hostile and demonstrative mob have a potency over men of ordinary nerve which far exceeds the limits of lawfulness. The display of force, though none is actually used, is intimidation, and as much unlawful as violence itself.

An attempt is made to argue that the strikers only congregated at the place of arrival of the new men, in accordance with the custom at boat and train arrivals in small towns. But this disguise is too flimsy to hide the real purpose. If they desired in good faith to meet peaceably and lawfully for their own business, they should have selected another place, sufficiently remote to be free from the excitement and crowds which, their own testimony admits, attended the arrival of the new men, and also far enough away to avoid the intimidating effect of a hostile crowd on the newcomers. But, in truth, they did not desire to avoid that effect. On the contrary, that was what they were there for, and their presence indicates their real intentions too plainly for any verbal denials on their part to offset.

It is further urged that the strikers, through their committees, only exercised ("insisted on" is the phrase their counsel use in this court) their right to talk to the new men, to persuade them not to go to work. There was no such right. These men were there presumably under contract with the plaintiff, and certainly in search of work, if not yet actually under pay. They were not at leisure, and their time, whether their own or their employer's, could not lawfully be taken up and their progress interfered with by these or any other outsiders, on any pretense or under any claim of right to argue or persuade them to break their contracts. Even, therefore, if the arguments and persuasion had been confined to lawful means, they were exerted at an improper time, and were an interference with the plaintiff's rights, which made the perpetrators liable for any damages the plaintiff suffered in consequence. But, in fact, their efforts were not confined to lawful means. The result of the evidence, as stated by the learned judge, is that the new men were "followed and importuned not to work, from their point of embarkation to their destination, and there met by the strikers in considerable numbers, * * * called 'scabs' and 'blacklegs,' and sometimes surrounded and the effort made to pull them away." This view is quite

sufficiently favorable to the defendants, and, as already said, a hostile and threatening crowd does not need to resort to actual violence to be guilty of unlawful intimidation. The acts of these defendants were an unlawful interference with the rights of the new men, and with those of the plaintiff.

In Cote *v.* Murphy, 159 Pa. Stat., 420, 28 Atl., 190, it is said by our brother dean that "it is one of the indefeasible rights of a mechanic or laborer in this Commonwealth to fix such value on his services as he sees proper, and under the constitution there is no power lodged anywhere to compel him to work for less than he chooses to accept," nor, as the same right may be stated with reference to this case, to prevent his working for such pay as he can get and is willing to accept. We regard the testimony as demonstrating that the defendants were guilty of an unlawful combination, which, while professing the intention and trying to maintain an outward appearance of lawfulness, was carried out by violent and threatening conduct, which was equally a violation of the rights of the new men who came to work for plaintiff, and of the plaintiff herself, and that they are liable in this suit for all the damages which plaintiff suffered thereby.

Not the least notable feature is the expression of surprise by the counsel, and even by the court, that the case was pushed after the strike was over. It appears to be a fact that the strike was less violent and disorderly than others which had preceded it, and a sentiment seems to have pervaded the community—even the court not being entirely exempt—that, the strike being over, the subject had better be dropped. This is not law nor justice. A plaintiff who might have been hurt worse than he was may be inclined not to push his claim for compensation for the injury actually received; but it is for him, and not for others, and especially not for courts, to make the choice, and there should be no judicial surprise if he insists on his rights, though other men may think discretion the better part of valor. Decree reversed, bill reinstated, and damages directed to be ascertained in accordance with this opinion.

INJUNCTION—INTIMIDATION OF WORKMEN BY LABOR UNIONS—*Consolidated Steel and Wire Company v. Murray et al., 80 Federal Reporter, page 811.*—This was a suit in equity brought in the United States circuit court for the northern district of Ohio, eastern division, by the above-named company against Patrick Murray and others, to enjoin them from interfering with said company and its employees. Said court rendered its decision May 8, 1897, and issued a temporary injunction.

The facts in the case and the reasons for the decision are given in the opinion of the court, delivered by District Judge Sage, which reads as follows:

The complainant is a corporation organized under the laws of the State of Illinois, with its principal place of business in the city of Chicago. It is engaged in the State of Illinois, in the city of Cleveland, Ohio, and elsewhere, in the manufacture of steel wire and wire nails.

In the city of Cleveland it owns and operates a large plant and mill, having about a half million dollars invested in its business, and employing, when running up to full capacity, about 500 men as operatives. Prior to April, 1896, it had contracted with a full complement of men for the operation of its mill and plant, and, it is set forth in the bill, had made a satisfactory agreement with each of said men as to the price of his labor for the period of one year. Complainant's contracts were sufficient to continue its mill and plant in full operation for that period. The bill sets forth that for several weeks prior to April, 1896, the defendants, including P. J. Mundie Lodge, No. 1, and Banner Lodge, No. 2, of the Rod-mill Workers of America—voluntary organizations—through their officers, agents, members, and employees, notified complainant and its employees that complainant was not paying wages to its employees in accordance with the so-called "Cleveland scale," and undertook to compel said employees to become members of said lodges, or one of them, and to enforce the payment of wages by complainant in accordance with the "Cleveland scale;" that the complainant refused to recognize the right of said defendant lodges, or their members, officers, agents, or employees, to interfere with it in the management of its said business, and the employees of complainant refused to become members of said lodges, or either of them; that thereupon the said lodges, through their officers, members, agents, or employees, declared a strike in the mill and plant of complainant, and attempted to, and did, by force and violence, restrain many of complainant's employees from entering the complainant's works and engaging in the duties which they had contracted to perform; and that in many cases said employees were by the defendants assaulted and beaten, and by force and violence prevented from approaching or entering upon the complainant's premises.

By reason of the acts aforesaid, and of continuous, uninterrupted attempts of defendants to compel complainant to recognize the said lodges or unions, and the scale of prices dictated by said lodges or unions, and to coerce its employees to become members of said lodges, or one of them, complainant, in the month of April, 1896, determined to, and did, close indefinitely its mill and works in the city of Cleveland, and they remained closed until about the 1st day of March, 1897, when they were opened, and complainant offered employment to such laborers as might be acceptable to it for the positions which it had at its disposal. Thereupon the defendant lodges, acting through their officers, agents, members, and employees, began to attempt to coerce the laborers and employees engaged in the operation of said mill and works to become members of said lodges, or one of them, and to force complainant to pay wages according to the "Cleveland scale," arbitrarily fixed by said lodges, and other lodges, of said Rod-mill Workers of America, and they have continuously since that time, without interruption, persisted in attempting to so coerce and force complainant and its laborers and employees.

It is further averred in the bill that no contract rights existed between the complainant and said lodges, their officers, agents, members, or employees; that complainant at all times refused to recognize in any manner whatsoever said lodges, their officers, agents, members, or employees, none of whom are now employees of complainant, nor have they been in complainant's employment, "at least since the month of April, 1896."

It is further averred that the defendants and others daily congregate in large numbers, in and about complainant's works, in their attempt to

coerce complainant's employees to become members of said lodges, or one of them; that in numerous instances complainant's employees have been attacked by defendants and brutally beaten; that, by threats and otherwise, defendants and others have endeavored to compel said employees to desist from performing their contracts with complainant, and to refuse to work for complainant; that defendants and others persisted in following complainant's employees on their way home, and in intercepting them in lonely places, beating and maltreating them, greatly endangering life and limb, and depriving them of the freedom guaranteed to them by the constitutions of the United States and of the State of Ohio; that defendants have been engaged and are engaging in said acts solely for the purpose of compelling complainant to recognize said organizations or lodges, and to submit itself to their dictation in the matter of the payment of wages, and also in the matter of hiring and discharging employees. The bill then proceeds to allege a conspiracy on the part of defendants for the unlawful purpose of preventing complainant from operating its mill and works in the city of Cleveland, excepting by the employment of persons members of said lodges, or other lodges, of said Rod-mill Workers of America, and by the dismissal of its present force of employees, who are willing and anxious to work for complainant, and that in furtherance of said conspiracy the defendants, with others, are and have been congregating each morning and evening at and near the mill and works of complainant and in the streets leading thereto, and in large numbers, for the avowed purpose of inducing complainant's employees to leave its employment, threatening personal violence if they refused, and that in furtherance of said conspiracy they continuously maltreated, attacked, and injured complainant's employees; that the police powers of the city of Cleveland have been invoked, and, although a detail of policemen was in constant attendance for three days prior to the filing of the bill in and about said works, it was unable to restrain or prevent said violent and unlawful acts.

Complainant further avers that at the time of the filing of the bill it had at work in its mill and works about 275 sober, industrious men, who were satisfied with the wages they were receiving and willing and anxious to continue in complainant's employment; that defendants have threatened and were threatening to blow up and destroy, by the use of dynamite and other dangerous agencies, complainant's mill and works, and that by reason of the aforesaid violent and unlawful acts and threats it is unable properly to operate its mill and works; that the lives and limbs of persons in its employ were constantly threatened and in danger, as was its property; that the said authorities were unable to protect said employees and said property from the damage and injury constantly done and threatened by defendants.

The bill further sets forth that the complainant and its employees are entitled, under the constitutions and laws of the United States and of the State of Ohio, to the free and unrestricted exercise of their personal rights; that is to say, to the right of complainant to employ such persons as it may see fit in connection with its said mill and plant, and the right of its employees to work and labor for complainant if they so desire, without the let, hindrance, or disturbance of any person, persons, or associations whatsoever. The bill further sets forth that said employees desire to continue in its employ, and are in need of the wages stipulated for their labor for the support of themselves and their families, and that there are large numbers of

other men who are out of employment, and are seeking employment from complainant, and who are in need of the wages they would earn thereby, which complainant is ready and willing to pay, provided said men can be protected from the violent and unlawful acts of the defendants.

The bill further sets forth that the complainant has outstanding large contracts for its products to various persons and companies, which it will be prevented from fulfilling if defendants be permitted to continue so as aforesaid to unlawfully interfere with complainant's business, and that, unless complainant is permitted to operate its works in accordance with law, damages accruing by reason of complainant's inability to fulfill said contracts will be very large, and cause great loss to complainant; that the defendants, and each of them, are financially irresponsible and insolvent, and the complainant is without adequate remedy at law against any and all of them for any damages it may suffer by reason of their unlawful actions as aforesaid. The bill concludes with a prayer for an injunction and for other proper relief.

Upon complainant's application, on the 9th of April, a preliminary restraining order was issued in accordance with the prayer of the bill, to continue in force until the hearing and disposition of complainant's motion for a temporary injunction, which was set for hearing on the 22d of April. For the complainant 38 affidavits are filed, and for the defendants 47 affidavits. The affidavits for the complainant fully support the averments of the bill, and the circumstances of many cases of assault and maltreatment are detailed with the names of the defendants concerned therein. On account of their number and length it will be impracticable to refer specially to each affidavit, either of those for the complainant or of those for the defendants. Each individual defendant makes affidavit denying any acts of intimidation or violence attributed to him, and enters upon a general denial, which is substantially the same in all the affidavits. It is that at no time during the periods mentioned in the bill did he congregate, with others, at or near the entrance to the complainant's works, for the purpose of intimidating or threatening or using violence or force upon any of its employees, agents, or servants, and that at no time has he hindered or delayed the complainant, or its agents, servants, or employees in the operation of its mill or the conduct of its business, or entered upon its premises for any purpose whatever, or molested or interfered with any of its property, or with its employees or machinery, or solicited or endeavored to coerce any of the employees of the complainant to join the Rod-mill Workers' Association of America, or any of its lodges, or in any manner interfered with or molested any person or persons employed by the complainant in the operation of its mill and plant, or while engaged in the discharge of duties in connection with said employment, either while they were upon the premises of the complainant or at any other place; that he has not induced other persons to do any unlawful act or thing against the complainant company, or its employees or its property; that he is not upon any strike, but that he is an employee of the American Wire Company (or of some one of the other wire companies of the city of Cleveland, as the fact may be), and engaged in the performance of his duties as such. That any threat was made by him to blow up complainant's works with dynamite or other explosive; or that he has entered into any conspiracy or combination for that purpose; or that he has carried any revolver or deadly weapon, in or about complainant's works for the purpose of intimi-

dating or injuring employees, or for any other purpose; or that he has threatened them, or attempted to coerce complainant to pay the Cleveland scale, or any other scale, of wages to its employees; or that the police power of the city has been invoked, and been found ineffectual to restrain violence to complainant's property, or to its employees, is denied by each individual defendant, and like denials on behalf of the defendant lodges are made by their officers and agents. On the contrary, it is averred that at no time have more than four or five policemen been present at or near the complainant's works, and that the usual detail was one or two; that no occasion existed for invoking the powers of the city of Cleveland, the county of Cuyahoga, or the State of Ohio to keep the peace, and prevent trespassing, violence, molestation, or injury to property or person. Three policemen of the city—Paul Weis, Jeffrey Gibbons, and John J. Connell—make affidavits that they were on duty at and near complainant's works and plant at dates beginning March 24, 1897, and reaching to April 20, 1897, and that they never saw any disorder or disturbance of any kind, that the defendants whom they saw around and near the works were orderly and peaceable, that no acts of violence occurred, no additional force of policemen was required, and none was present, excepting on one occasion, when there were five extra policemen there. Why they were present is not explained. There are two Gibbonses and there is one Connell in the list of defendants. Whether they are relatives of the policemen of the same name, who are affiants, does not appear. It is enough to say of these affidavits that they are so overwhelmingly contradicted as to be utterly discredited. If the affiants are not foresworn, they are, to put the matter in the most charitable light, gifted with such facility for appealing from their knowledge to their ignorance as to be altogether unworthy of belief.

On the other hand, more than a score of affidavits, by complainant's employees and others, including persons entirely disinterested, recite acts of intimidation and violence by the defendants, and by others of a mob, assembled morning and evening and day after day at and about the entrance to complainant's mill, preventing employees from going to their work, assaulting, beating, wounding, and maltreating them, and as they came out from the mill following them, and falling upon them, and making unprovoked, brutal, and outrageous attacks upon them, so that they went bruised and bloody to their homes, where many of them remained, fearing to attempt to go again to their work.

The affidavit of John T. Kane, grand president of the National Association of Rod-mill Workers of America, and for six years last past an employee in the rod-mill department of the American Wire Company in the city of Cleveland, denies all charges of the commission of violent and illegal acts by him. Admitting that he has on several occasions requested employees of the complainant company not to work for that company until it should pay a reasonable rate of wages in its rod-mill department, so as not to prejudice the interests of employees of the other mills in the city of Cleveland in like departments, he affirms that he has at all times conducted himself peacefully and quietly toward the complainant's officers, agents, and employees, and has used his influence to cause others to act in like manner. He denies that he has ever requested or sought to induce complainant's employees to join the association of which he is president, or to organize a lodge thereof, and avers that it is a matter of absolute indifference to him whether said employees are so organized or not, so long as they are receiving a rate of wages equal to that received by himself and his coemployees.

He denies that the complainant has suffered any injury to his property or business at the hands of the defendants in this cause, and avers that, if any such injury has come to complainant, it has been caused by its own acts in attempting to secure men to do its work at less than a reasonable rate of wages, and less than is usually paid in the city of Cleveland, and in attempting to force down the wages of its employees to a point below what is reasonable and fair for the services rendered. He denies that the prices fixed by the complainant company in April, 1896, were satisfactory to the men in its employ, avers that several of its employees quit its employment for the reason that the prices were not satisfactory, and that they asked the association of which he is president to assist them in obtaining a fair rate of wages, and, as to the men who remained in the employ of the complainant company at the rate fixed by it, they did so because they were compelled by their necessities.

He denies that the association declared a strike in the complainant's mill, or that he or his fellow-members sought to coerce the complainant to adopt the "Cleveland scale," but admits that he and his codefendants have sought by all lawful means to prevent the depression by complainant company of wages in its mills below those ordinarily and usually paid in other mills in Cleveland for similar services. He admits that they have sought to induce the employees of complainant to exercise their right to abandon complainant's service. He denies that said employees were under any time contracts, and declares that his efforts were limited to pointing out to them what they were doing to both employer and employee by continuing in the service of complainant at less than a fair rate of wages.

He further affirms that the complainant company, through its superintendent, held repeated conferences with affiant and other members of said association on the subject of the differences between complainant company and the defendants, twice at the superintendent's own house, twice at the office of the complainant company, and once at the Forest City Hotel, in the city of Cleveland, and that said negotiations were always conducted in a friendly and cordial spirit, and that, by mutual concessions by the defendants and by the complainant's superintendent, "the differences between said company and defendants had reached a settlement, except to receive formal ratification by the lodges of said defendants, and would have been so settled in an amicable and friendly manner, and without the intervention and extraordinary process of this honorable court, but for the hasty and ill-considered action of the president of complainant company in ordering the commencement of these proceedings."

He further denies that the defendant lodges and the other defendants, or that he himself and the other defendants, have congregated morning and evening at the works of the complainant, or in the streets leading thereto, and declares that, except three or four of the defendants, all are engaged at other mills in the performance of their regular work, "and that three or four men have been placed at intervals in the public streets leading to said works for the purpose of seeing that order was preserved, and to observe who entered and left the works of said complainant."

The statement in this affidavit that friendly and cordial negotiations between the defendants and the complainant's superintendent had reached a settlement, needing only formal ratification by the defendant lodges, and that they would have been so settled but for the institution of this suit, is remarkable. Why this complainant company, if it desired settlement as represented, should, just when it had been fully agreed to

on both sides and was on the eve of final consummation, break it off, and resort to proceedings in court which must inevitably put an end to all negotiations, is to the court so entirely inexplicable as to be simply incredible. In the affidavit of defendant Patrick Murray he states that he "has been present on several occasions in the public highway leading to said company's works, under instructions of the supreme officers of the Rod-mill Workers' Association, to do all in his power to preserve order, and to prevent any act of violence, or any threats or intimidation of the employees of said company while said employees were going into or coming out of the works of said company; that his duties on those occasions consisted in observing who went in and came out of the works of said company, and take a report thereon to the supreme officers of said Rod-mill Workers' Association, and also, in as far as he could, prevent any interference with said employees while going to or returning from their work in said company's works."

The averments of these last two affidavits, taken in connection with the fact that in none of the defendants' affidavits (excepting the affidavits of the policemen, to which reference has already been made) is there any denial of the specific averments of the bill, or of the affidavits filed for complainant, that there was continuously a riotous assemblage, which, through one or more of the persons composing it, threatened, intimidated, abused, and maltreated complainant's employees, at times preventing their going to their work, at other times turning them back bruised and bleeding to make their way to their homes, are tantamount to an admission of the averments of the bill, notwithstanding the denials of the defendants that they participated in the unlawful acts of the rioters. In no other view can it be understood why the affiant Murray was sent, under instructions of the supreme officers of the Rod-mill Workers' Association, to do all in his power "to preserve order, and to prevent any act of violence, or any threats or intimidation of the employees of said company while said employees were going into or coming out of the works of said company." The statement which follows, that his duty on those occasions was to observe "who went in and came out of the works of said company, and take a report thereon to the supreme officers of said Rod-mill Workers' Association, and also so far as possible to prevent any interference with employees while going to or returning from their work for complainant," amounts to an admission that the association was keeping complainant's mill and its employees under close surveillance.

These averments, taken together, make it clear, not only that there was continuously a riotous assemblage known to the association, but that for some reason it was the object of the association to keep up at least the semblance of preservation of law and order, while, for some purpose, not disclosed, its object was also to have a complete list of all who went into or came out from the complainant's mill.

When we consider these last two affidavits, in connection with the fact, about which there is no question, that upon the issuing of the temporary restraining order herein, the causes of complaint mentioned in the bill at once ceased, that everything at and about plaintiff's mills has from that time until now been quiet, and the complainant's employees have been unmolested and undisturbed, the conclusion is irresistible that the defendants were in close relations with the mob, and were in fact the ruling and controlling spirits, without whom there never would have been any disturbance whatever.

Counsel for the defendants, upon the argument of the motion, assured the court that the defendants were well-disposed, orderly citizens, and

that it had not been their intention, in anything that they had done, to exceed their rights, or in any respect to violate the law. In Barr *v.* Trades Council, 53 N. J. Eq. 101, 30 Atl., 881, the court of errors and appeals of the State of New Jersey, referring to a similar assurance, said:

"The defendants claim, and they are entitled to be credited with being sincere in the contention, that they believe they have, in all matters complained of, acted strictly within the lines of their legal rights. This position justifies us in assuming that, if they had not believed so, and had not been satisfied they were correct in law, the acts challenged would not have been committed, and, if now convinced they are wrong, will not again be attempted."

This court, accepting the statements of counsel in this case, as the like statement was accepted in the New Jersey case, will be at some pains to refer to the authorities, and to set forth the principles of law here applicable, proceeding first to consider the cases which have been decided by State courts, for among these are the earlier cases, in order that it may be made fully to appear that the Federal courts have not been making any new law in reference to strikes or boycotts or labor agitations, but have been following well-established precedents. It will appear later in the opinion that the State courts had for every principle involved and every rule of law stated ample precedent in well-recognized authorities promulgated long prior to their decisions.

In State *v.* Glidden, 55 Conn., 46, 8 Atl., 890, the defendants were prosecuted for a conspiracy having for its object to compel a newspaper publishing company against its will to discharge its workmen and to employ such persons as the defendants and their associates should name. This case was decided in February, 1887. It is the first American case in which the word "boycott" is used. That word originated from the efforts of certain Irish tenants to exclude Captain Boycott from all intercourse with his neighbors because he endeavored lawfully to collect his rents. The supreme court, in State *v.* Glidden, said:

"It seems strange that in this day and in this free country—a country in which law interferes so little with the liberty of the individual—it should be necessary to announce from the bench that every man may carry on his business as he pleases, may do what he will with his own, so long as he does nothing unlawful, and acts with due regard to the rights of others, and that the occasion for such an announcement should be, not an attempt by government to interfere with the rights of the citizen, nor by the rich and powerful to oppress the poor, but an attempt by a large body of workingmen to control, by means little, if any, better than force, the action of employers."

The court further said that the defendants in effect said to the publishing company:

"It is true we have no interest in your business, we have no capital invested therein, we are in no wise responsible for its losses or failures, we are not directly benefited by its success, and we do not participate in its profits; yet we have a right to control its management, and compel you to submit to our dictation."

The court declared that the bare assertion of such a right was startling, and that—

"Upon the same principle, and for the same reasons, the right to determine what business others shall engage in, when and where it shall be carried on, etc., will be demanded, and must be conceded. The principle, if it once obtains a foothold, is aggressive, and is not easily checked. It thrives by what it feeds on, and is insatiate in its demands. More

requires more. If a large body of irresponsible men demand and receive power outside of law, over and above law, it is not to be expected that they will be satisfied with a moderate and reasonable use of it. All history proves that abuses and excesses are inevitable. The exercise of irresponsible power by men, like the taste of human blood by tigers, creates an unappeasable appetite for more."

The court sustained the verdict of guilty against the defendants.

The case of State *v.* Stewart, 59 Vt., 273, 9 Atl., 559, was a prosecution for conspiracy to hinder and prevent the Ryegate Granite Works, a corporation, from employing certain granite cutters, and to hinder and deter certain laborers from working for said corporation. The court, sustaining the indictments, held that—

"The labor and skill of the workman, the plant of the manufacturer, and the equipment of the farmer, are in equal sense property; every man has the right to employ his talents, industry, and capital as he pleases, free from the dictation of others; and if two or more persons combine to coerce his choice in this behalf, it is a criminal conspiracy, whether the means employed are actual violence or a species of intimidation that works upon the mind."

The court further said:

"The exposure of a legitimate business to the control of an association that can order away its employees and frighten away others that it may seek to employ, and thus be compelled to cease the further prosecution of its work, is a condition of things utterly at war with every principle of justice, and with every safeguard of protection that citizens under our system of government are entitled to enjoy. The direct tendency of such intimidation is to establish over labor and over all industries a control that is unknown to the law, and that is exerted by a secret association of conspirators, actuated solely by personal considerations, and whose plans, carried into execution, usually result in violence and the destruction of property."

The same court, in State *v.* Dyer, decided at the October term, 1894, and reported 67 Vt., 690, 32 Atl., 814, held—

"That a combination of two or more persons to restrain an employer to discharge a particular workman by threatening to prevent his obtaining other workmen, or to constrain a workman to join a certain organization by threatening to prevent him from obtaining work unless he does so, is a criminal conspiracy at common law."

The supreme court of Pennsylvania, in Murdock *v.* Walker (January, 1893), 152 Pa. St., 595, 25 Atl., 492, decided that a court of equity will restrain by injunction discharged employees, members of a union, from gathering about their former employer's place of business and from following the workmen whom he has employed in place of the defendants, from gathering about the boarding houses of such workmen, and from interfering with them by threats, menaces, intimidation, ridicule, and annoyances on account of their working for the plaintiffs.

The court of errors and appeals of the State of New Jersey, at its October term, 1894, in the case of Barr *v.* Trades Council, 53 N. J. Eq., 101, 30 Atl., 881, very thoroughly and elaborately considered the questions involved in this case. Before entering upon the discussion the court said:

"No unprejudiced person at this day wishes to place any obstacle in the way of labor organizations conducting their operations within lawful limits. It is unfortunate that, despite the warning and counsel of accredited leaders, the reckless and revengeful among the members, with the vicious and lawless always to be found among the idle, so often

take advantage of labor demonstrations to commit acts of violence against persons and property, and thus weaken the sympathy of the public with the system. Yet every one must acknowledge that organization has accomplished much in the past for the benefit of the workingman, and recognize its possibilities to secure to him in the future, enjoyment of other privileges. But while engaged in this laudable purpose, those who give direction to affairs should not attempt to secure their ends by infringing the lawful rights of others."

The suggestions contained in this quotation are well worthy of consideration by all labor organizations. No class of men stands more in need of the protection of the law and of its safeguards than do laboring men, nor to any class is public sympathy and the support of public opinion more desirable; and to no class will both these be more cordially extended so long as these organizations keep themselves within the limits of law and order. Whenever they exceed such limits, they greatly weaken themselves and the cause they represent, for an overwhelming majority of the American people are so thoroughly in favor of the maintenance and supremacy of law that they will defeat any attempt to pervert or overturn it.

The court, in Barr *v.* Trades Council, declared that a man's business is his property, and that the right to acquire, possess, and protect property is a natural and inalienable right, which all men have, with those of enjoying and defending life and property, and of pursuing and obtaining safety and happiness. The court said that this was an echo of Magna Charta, and quoted from Mr. Justice Bradley in the Slaughterhouse Cases, 16 Wall., 36, at page 116, where he says:

"For the preservation, exercise, and enjoyment of these rights [life, liberty, and the pursuit of happiness] the individual citizen, as a necessity, must be left free to adopt such calling, profession, or trade as may seem to him most conducive to that end. Without this right he can not be a freeman. This right to choose one's calling is an essential part of that liberty which it is the object of the Government to protect; and a calling, when chosen, is a man's property and right. Liberty and property are not protected where these rights are arbitrarily assailed."

The court also said:

"This freedom of business action lies at the foundation of all commercial and industrial enterprises. Men are willing to embark capital, time, and experience therein, because they can confidently assume that they will be able to control their affairs according to their own ideas, when the same are not in conflict with law. If this privilege is denied them; if the courts can not protect them from interference by those who are not interested with them; if the management of business is to be taken from the owner, and assumed by, it may be, irresponsible strangers, then we will have to come to the time when capital will seek after other than industrial channels for investments, when enterprise and development will be crippled, when interstate railroads and canals and means of transportation will become dependent on the paternalism of the National Government, and the factory and the workshop subject to the uncertain chances of cooperative systems."

The court found that the acts of the defendants practically infringed upon the exercise of this right by Mr. Barr. The defendants were 18 bodies known as "labor unions," embracing many trades in the city of Newark, affiliated in a society or representative body known as the "Essex Trades Council." One of these unions was incorporated; the others were not. The Essex Trades Council itself was a voluntary

association, composed of delegates or representatives chosen thereto by each of the 18 different unions or associations. Mr. Barr, as proprietor of the daily morning newspaper in Newark, determined to employ plate or stereotyped matter in the making up of his paper for publication. All the employees were members of the local typographical union, which had declared against the use of plate matter in the city of Newark, as Mr. Barr well knew. The Essex Trades Council then undertook to boycott Mr. Barr's newspaper, by distributing circulars, by issuing an official bulletin, and by undertaking to persuade the public to withhold support from the paper. The defendants denied that they had made any threats, or attempted to intimidate or coerce any of the advertisers or patrons of the Times, and claimed that everything was done in a peaceable and orderly manner, but the court said:

"It is true, there was no public disturbance, no physical injury, no direct threat or personal violence, or of actual attack on or destruction of tangible property, as a means of intimidation or coercion. Force and violence, however, while they may enter largely into the question in a criminal prosecution, are not necessarily factors in the right to a civil remedy. But, even in criminal law, I do not understand that intimidation, even when a statutory ingredient of crime, necessarily presupposes personal injury or the fear thereof. The clear weight of authority undoubtedly is that a man may be intimidated into doing or refraining from doing, by fear of loss of business, property, or reputation, as well as by dread of loss of life or injury to health or limb; and the extent of this fear need not be abject, but only such as to overcome his judgment, or induce him not to do or to do that which otherwise he would have done or left undone. There can be no reasonable dispute that the whole proceeding or boycott in this controversy is to force Mr. Barr, by fear of loss of business, to conduct that business, not according to his own judgment, but in accordance with the determination of the typographical union, and, so far as he is concerned, it is an attempt to intimidate and coerce."

The court then proceeded to a review of the cases, and the discussion of the jurisdiction in equity, and awarded an injunction as prayed.

The case of Sherry *v.* Perkins, 147 Mass., 212, 17 N. E., 307, was decided in June, 1888. It was there held that banners displayed in front of a manufacturer's premises, with inscriptions calculated to injure his business and to deter workingmen from entering into and continuing in his employ, constituted a nuisance, which equity would restrain by injunction. The court said that the plaintiffs were not restricted to their remedy at law, but were entitled to relief by injunction; that the scheme in pursuance of which the banners were displayed and maintained was to injure the plaintiff's business, by intimidating workingmen, so as to deter them from keeping and making engagements with the plaintiff. The banners were a standing menace to all who were or wished to be in the employment of the plaintiffs, to deter them from entering his premises, and maintaining them was a continuous unlawful act, injurious to his business and property, and a nuisance such as a court of equity would grant relief against.

The latest case in Massachusetts is Vegelahn *v.* Guntner, decided October, 1896, and reported in 44 N. E., 1077. The defendants in that case conspired to prevent plaintiff from getting workingmen, and thereby to prevent him from carrying on his business, unless and until he would adopt a certain schedule of prices. The means adopted were persuasion and social pressure, threats of personal injury or unlawful harm conveyed to persons employed or seeking employment, and a patrol of

two men in front of plaintiff's factory, maintained from half past 6 in the morning until half past 5 in the afternoon, on one of the busiest streets of Boston. The court said that intimidation was not limited to threats of violence or of physicial injury to person or property; that it had a broader signification, and there might be a moral intimidation, which was illegal, including patrolling or picketing, under the circumstances stated in the case. The court further said that the patrol was an unlawful interference both with the plaintiff and with the workmen, within the principle of many cases, and, when instituted for the purpose of interfering with his business, it became a private nuisance. The defendants in that case contended that the acts complained of were justifiable, "because they were only seeking to secure better wages for themselves, by compelling the plaintiff to accept their schedule of wages." The court was of opinion that that motive or purpose did not justify maintaining a patrol in front of the plaintiff's premises, as a means of carrying out their conspiracy, and added:

"A combination among persons merely to regulate their own conduct is within allowable competition and is lawful, although others may be indirectly affected thereby. But a combination to do injurious acts, expressly directed to another, by way of intimidation or constraint, either of himself or of persons employed or seeking to be employed by him, is outside of allowable competition, and is unlawful."

In support of this proposition the court cited a long list of cases.

Upon the point, urged, also, in argument in this case, that the defendants' acts might subject them to an indictment, the court said that that fact did not prevent a court of equity from issuing an injunction. "It is true that, ordinarily, a court of equity will decline to issue an injunction to restrain the commission of a crime; but a continuing injury to property or business may be enjoined, although it may also be punishable as a nuisance or other crime." In support of this proposition the court cited a long list of cases, including the following: Sherry *v.* Perkins, 147 Mass., 212, 17 N. E., 307; Cranford *v.* Tyrrell, 128 N. Y., 341, 28 N. E., 514; Gilbert *v.* Mickle, 4 Sandf. Ch., 357; Port of Mobile *v.* Louisville and N. R. Co., 84 Ala., 115, 4 South., 106, and the following English cases: Emperor of Austria *v.* Day, 3 De Gex, F. & J., 217; Loog *v.* Bean, 26 Ch. Div., 306; Monson *v.* Tussaud [1894], 1 Q. B., 671.

The court further held that such a conspiracy, in order either to prevent persons from entering plaintiff's employment or to prevent persons in his employment from continuing therein, was unlawful, even though such persons were not bound by contract to enter into or continue in his employment. Moores & Co. *v.* Bricklayers' Union No. 1, 23 Wkly. Law Bull., 48, decided by the superior court of Cincinnati in general term, is a case much quoted, in which it was held that a combination by a trade union and others to coerce an employer to conduct his business with reference to apprentices and the employment of delinquent members of the union, according to the demand of the union, by injuring his business through notices sent to his customers and material men, stating that any dealings with him will be followed by similar measures against such customers and material men, is an unlawful conspiracy. Judge Taft, in delivering the opinion of the court, said:

"We are of opinion that, even if acts of the character and with the intent shown in this case are not actionable when done by individuals, they become so when they are the result of combination, because it is clear that the terrorizing of the community by threats of exclusive

dealing in order to deprive one obnoxious member of means of sustenance will become both dangerous and oppressive."

The latest case in any State court—Charles Curran against Louis Galen, as president (known under the title of "Master Workman") of Brewery Workingmen's Local Assembly 1796, Knights of Labor—was decided March 2, 1897, by the court of appeals of the State of New York, and will appear in 152 N. Y., at page 33, 46 N. E., 297. The court there held, first, that the organization or cooperation of workingmen is not of itself against any public policy, and must be regarded as having the sanction of law, when it is for such legitimate purposes as that of obtaining an advance in the rate of wages or compensation, or of maintaining such rate; second, if the purpose of an organization or combination of workingmen is to hamper or restrict the freedom of the citizen in pursuing his lawful trade or calling, and, through contracts or arrangements with employers, to coerce other workingmen to become members of the organization, and to come under its rules and conditions, under the penalty of the loss of their positions and of deprivation of employment, such purpose is against public policy, and unlawful; third, the fact that a contract between the workingmen's organization and an employers' association was entered into on the part of the employers, with the object of avoiding disputes and conflicts with the workingmen's organization, does not legalize a plan of compelling workingmen not in affiliation with the organization to join it, at the peril of being deprived of their employment. With reference to organizations of workingmen the court said:

"The social principle which justifies such organizations is departed from when they are so extended in their operation as either to intend or to accomplish injury to others. Public policy and the interests of society favor the utmost freedom in the citizen to pursue his lawful trade or calling, and if the purpose of an organization or combination of workingmen be to hamper or to restrict that freedom, and, through contracts or arrangements with employers, to coerce other workingmen to become members of the organization, or to come under its rules and conditions, under the penalty of the loss of their positions, and of deprivation of employment, then that purpose seems clearly unlawful, and militates against the spirit of our Government and the nature of our institutions. The effectuation of such a purpose would conflict with that principle of public policy which prohibits monopolies and exclusive privileges. It would tend to deprive the public of the services of men in useful employments and capacities."

The court further along in the course of the opinion said:

"The sympathies or the fellow-feeling which, as a social principle, underlies the association of workingmen for their common benefit, is not consistent with a purpose to oppress the individual who prefers by single effort to gain his livelihood. If organization of workingmen is in line with good government, it is because it is intended as a legitimate instrumentality to promote the common good of its members."

The English cases are in accord with the American cases above cited. Lord Campbell, C. J., in charging the jury in Reg. *v.* Hewitt, 5 Cox, Cr. Cas., 162, said:

"By law every man's labor is his own property, and he may make what bargain he pleases for his own employment. Not only so; masters or men may associate together. But they must not, by their association, violate the law. They must not injure their neighbor. They must not do that which may prejudice another man. The men may take care not to enter into engagements of which they do not approve,

but they must not prevent another from doing so. If this were permitted, not only would the manufacturers of the land be injured, but it would lead to the most melancholy consequences to the working classes."

In Reg. *v.* Druitt, 10 Cox, Cr. Cas., 592, Bramwell, B., said:

"No right of property or capital, about which there has been so much declamation, is so sacred or so carefully guarded by the law of this land as that of personal liberty. * * * But that liberty is not liberty of the body only. It is also a liberty of the mind and will; and the liberty of a man's mind and will to say how he should bestow himself and his means, his talents, and his industry is as much a subject of the law's protection as is that of his body. * * * And if any set of men agree among themselves to coerce that liberty of mind and thought by compulsion and restraint, they would be guilty of a criminal offense, namely, that of conspiring against the liberty of mind and freedom of will of those toward whom they so conduct themselves. * * * The public has an interest in the way in which a man disposes of his industry and his capital; and if two or more persons conspired, by threats, intimidation, or molestation, to deter or influence him in the way in which he should employ his industry, his talents, or his capital, they would be guilty of a criminal offense."

In Steamship Co. *v.* McGregor, 23 Q. B. Div., 598, Lord Justice Bowen said:

"Of the general proposition that certain kinds of conduct, not criminal in any one individual, may become criminal if done by combination among several, there can be no doubt. The distinction is based on sound reason, for a combination may make oppressive or dangerous that which, if it proceeded only from a single person, would be otherwise; and the very fact of the combination may show that the object is simply to do harm, and not to exercise one's own just rights."

Coltman, J., in Gregory *v.* Duke of Brunswick, 6 Man. & G., 953, illustrates the proposition by the act of hissing in a public theater, which is prima facie a lawful act, and, "even if it should be conceded that such an act, though done without concert with others, if done from a malicious motive, might furnish a ground of action, yet it would be difficult to infer such a motive from the isolated action of one person, unconnected with others."

In Reg. *v.* Rowlands, 17 Adol. & E. (N. S.), 671, where there was a combination to prevent certain workingmen from continuing in the service of their employers, and thereby to compel the employers to change the mode of conducting their business, the court of queen's bench approved of the charge given to the jury by Mr. Justice Erle that—

"A combination for the purpose of injuring another is a combination of a different nature, directed personally against the party to be injured; and the law allowing them to combine for the purpose of obtaining a lawful benefit to themselves gives no sanction to combinations which have for their immediate purpose the hurt of another. The rights of workmen are conceded; but the exercise of free will and freedom of action, within the limits of the law, is also secured equally to the masters. The intention of the law is, at present, to allow either of them to follow the dictates of their own will, with respect to their own actions and their own property, and either, I believe, has a right to study to promote his own advantage, or to combine with others to promote their mutual advantage."

All these and many other English authorities will be found among the citations in the American cases referred to in this opinion, and they fully support those cases. Without referring to a single Federal case, there is ample authority upon all the questions involved in the consideration of the motion which has been argued and submitted to this court. Nevertheless, it will be instructive, and I trust beneficial, to review, briefly as possible, some of the decisions of the Federal courts.

In Casey *v.* Typographical Union, 45 Fed., 135, decided January 31, 1891, it was held that a combination or a conspiracy, by a trades union, to boycott a newspaper for refusing to unionize its office, was illegal, and would be enjoined by a court of equity. The court, in considering the contention, for defendants, that no threats were used and there was no intimidation, only courteous requests, and "fair, although sharp and bitter, competition," cited In re Wabash R. Co., 24 Fed., 217, where, during a strike organized to resist a reduction of wages, a printed notice was sent to the several foremen of the shops of the railway company as follows:

"You are requested to stay away from the shop until the present difficulty is settled. Your compliance with this will command the protection of the Wabash employees. But in no case are you to consider this as an intimidation."

The court, in holding that that was an unlawful interference with the management of the road by the receiver, and a contempt of court, said that—

"The statement in all these notices that they are not to be taken as intimidations goes to show beyond a reasonable doubt that the writer knew he was violating the law, and by this subterfuge sought to escape its penalty."

The court, in Casey *v.* Typographical Union, also cited United States *v.* Kane, 23 Fed., 748, where Judge (now Justice) Brewer, by way of illustrating what is a threat, supposes that one of two workmen is discharged. The other is satisfied with his employment, and wishes to remain. The discharged workman comes, with a party of his friends, armed with revolvers and muskets, and says: "Now, my friends are here. You had better leave. I request you to leave." In terms there was no threat, only a request; but it was backed by a demonstration of force intended and calculated to intimidate, and the man leaves really because he is intimidated. "Again," said the judge, "armed robbers stop a coach. One of their number politely requests the passengers to step out and hand over their valuables. To the charge of robbery the defense is made that there was no violence; there were no threats; there was only a polite request, which was complied with." Judge Brewer properly said that any judge who would recognize such a defense deserved to be despised.

In Pettibone *v.* United States, 148 U. S., 197, 13 Sup. Ct., 542, it was held that a combination of two or more persons to accomplish, by concerted action, either a criminal or unlawful purpose, or some purpose not in itself criminal or unlawful by criminal or unlawful means, is a conspiracy.

It was held in Thomas *v.* Railway Co. (the Phelan Case), 62 Fed., 803, that a combination to incite the employees of all the railways in the country to suddenly quit their service without any dissatisfaction with the terms of their employment, thus paralyzing all railway traffic in order to coerce the railroad companies and the public into compelling an owner of cars used in operating the roads to pay his employees more wages, they having no lawful right so to compel him,

is an unlawful conspiracy, by reason of its purpose, whether such purpose is effected by means usually lawful or otherwise. That the employees of the receiver of the road had the right to organize into or to join a labor union, which should take joint action as to their terms of employment, was conceded; the court stating that, as they had labor to sell, if they should stand together they would be often able to command better prices for their labor than when dealing singly with rich employers, because the necessities of a single employee might compel him to accept any terms offered him. In illustration the court said that if, when the receiver made a reduction of 10 per cent in the wages of his employees, Phelan had come to Cincinnati, and urged and succeeded in maintaining a peaceable strike, he would not have been liable to contempt, even if the strike seriously impeded the operation of the road under the order of the court, and that his action in giving advice or issuing an order based on unsatisfactory terms of employment would have been entirely lawful, but that his coming to Cincinnati, and his advice to the employees to quit work, had nothing to do with their terms of employment. They were not dissatisfied with their service or their pay. His coming was to carry out the purpose of a combination of men, and as a part of that combination to incite the employees of all Cincinnati roads to quit work. The plan of this combination was to inflict pecuniary injury on Pullman by compelling the railway companies to give up using his cars, and in the event of their refusal so to do to inflict pecuniary injury on them by inciting their employees to quit their service and thus paralyze their business. That combination, the court held, was for an unlawful purpose, and was conspiracy; citing Angle *v.* Railway Co., 151 U. S., 1, 14 Sup. Ct., 240. The court also held that the combination was unlawful without respect to the contract feature, because it was a boycott. The court recognized that the employees had the right to quit their employment, but declared that they had no right to combine to quit, in order thereby to compel their employer to withdraw from a profitable relation with a third person for the purpose of injuring him, when that relation had no effect whatever on the character or reward of their service. Phelan was held guilty of contempt, and sentenced to imprisonment.

The Supreme Court of the United States, in the Debs Case, 158 U. S., 564, 15 Sup. Ct., 900, held that the jurisdiction in equity to apply the remedy by injunction when any obstruction was put upon highways, natural or artificial, to impede interstate commerce or the carrying of mails, was not ousted by the fact that the obstructions were accompanied by or consisted of acts in themselves violations of the criminal law, or by the fact that the proceeding by injunction is of a civil character, and may be enforced by proceedings in contempt, inasmuch as the penalty for a violation of such injunction is no substitute for and no defense to a prosecution for criminal offenses committed in the course of such violation. This authority, which is conclusive in this court, disposes of the objection, made in this case, that if the defendants had committed the acts charged against them they were amenable to the criminal laws and should be put upon trial.

The remedy by injunction was not first applied in the United States, either by State courts or by the Federal courts. Mr. Stimson, in his Handbook on the Labor Law of the United States, at page 315, says that it is traced back to the leading case of Spinning Co. *v.* Riley, L. R., 6 Eq., 551, decided in 1868, which was prior to any of the American cases. He adds that that case did not announce any new doctrine, but rather the revival of a very old one, referring to the exercise

of the chancellor's authority in the reign of Richard II to repress disorderly obstructions to the course of law. Spinning Co. *v.* Riley was overruled by the court of chancery appeals in Assurance Co. *v.* Knott, 10 Ch. App., 142, in 1874; Lord Chancellor Cairns deciding (and Sir W. M. James, L. J., and Sir G. Mellish, L. J., concurring) that the court in chancery has no jurisdiction to restrain the publication of a libel, as such, even if it is injurious to property. The court, in Spinning Co. *v.* Riley, enjoined the issuing of placards and advertisements intending and having the effect to intimidate and prevent workmen from hiring themselves to the plaintiffs; that being the only act complained of, and the court finding that the plaintiffs were thereby prevented from continuing their business and that the value of their property was thereby seriously injured. Vice-Chancellor Malin's opinion is a strong presentation of the doctrine recognized by him, but no American court, State or Federal, has gone to the length of that case, nor beyond the doctrine stated by the Supreme Court of the United States in the Debs Case.

It conclusively appears, from the authorities above referred to, that the English courts, the American State courts, and the Federal courts are in perfect harmony, and that, while they recognize the right of employees of whatever rank or degree to combine for the purpose of resisting any measures of oppression or coercion by their employers, and even for the purpose of instituting strikes and adopting other measures for their own protection or for the bettering of their condition, they are agreed that they must not interfere with the rights of employers to manage their own business in their own way, so long as they do not trespass upon the rights of others.

Counsel for defendants in this case insisted that his clients had the right as individuals to solicit and persuade employees of complainant to give up their situations, insisting, also, that the employees were under no contracts to labor for any specified period. Counsel then advanced the proposition that, if defendants had the right singly to persuade complainant's employees to quit work, they had the right to do so in companies or in mass, and that they had the right to congregate for that purpose in the public streets, and that therefore the congregating in the vicinity of complainant's mill and plant was lawful, and should not be restrained by the court. That complainant's employees were under no term contracts is, I think, established by the evidence. But the conclusion deduced by counsel, although ingenious, is altogether unsound. It is negatived by Casey *v.* Typographical Union, by United States *v.* Kane, by Pettibone *v.* United States, by Thomas *v.* Railway Co., and by the Debs Case. That the defendants might, as counsel put it, peaceably and quietly persuade complainant's employees to quit work, is not, and can not be, successfully denied. But persuasion, with the hootings of a mob and deeds of violence as auxiliaries, is not peaceable persuasion. As to the proposition that defendants were only exercising their constitutional rights, the court commends to their perusal the recent case of Garrett *v.* T. H. Garrett & Co., 24 C. C. A., 173, 78 Fed., 472, decided December 8, 1896. The appellants were manufacturers of snuff, known to the trade as "Garrett's snuff," and sued to restrain defendant company from using the name "Garrett" on packages and cans of snuff manufactured by it and placed upon the market for sale. It was contended for the defendant that every man has the right to the use of his own name in business, and, as to the order of injunction below restraining defendant from

using white paper for its labels, that every person has a constitutional right to use white paper. The court said:

"These propositions, in the abstract, are undeniably true; but counsel for the time overlooked the fact that, wherever there is an organic law, wherever a constitution is to be found as the basis of the rights of the people, and as the foundation and limit of the legislation and jurisprudence of a government, there the mutual rights of individuals are held in highest regard, and are most jealously protected. Always, in law, a greater right is closely related to a greater obligation. While it is true that every man has a right to use his own name in his own business, it is also true that he has no right to use it for the purpose of stealing the good will of his neighbor's business, nor to commit a fraud upon his neighbor, nor a trespass upon his neighbor's rights or property; and, while it is true that every man has a right to use white paper, it is also true that he has no right to use it for making counterfeit money nor to commit a forgery. It might as well be set up, in defense of a highwayman, that, because the Constitution secures to every man the right to bear arms, he has a constitutional right to rob his victim at the muzzle of a rifle or revolver."

Counsel for defendants closed his argument with a somewhat impassioned appeal to the court, coupled with the expression of his hope and confidence that the decision would not be calculated to drive his clients to become anarchists. So long as labor organizations keep themselves within the limits of law, they will not be interfered with by courts, and they will have the sympathy and good will of a vast majority of well-disposed citizens. When they exceed those limits, they will be restrained by the courts, and dealt with, whatever the consequences may be, and they will lose the sympathy and good will of the public. The extraordinary character of the appeal made to the court justifies me in adding that the courts will be ready for the emergency whenever and wherever the spirit of anarchy may manifest itself, whether within or without the lodges, and the American people, if need be, will rise in their majesty and their might, and crush it as a trip hammer would crush an eggshell.

Upon the facts of this case, and upon the law as stated in the authorities cited, the complainant's motion for a temporary injunction will be granted. A bond of $2,000 will be required.

INJUNCTION—MARCHING ON HIGHWAY—INTIMIDATING EMPLOYEES—CONTEMPT OF COURT—*Mackall v. Ratchford et al., 82 Federal Reporter, page 41.*—The decision here reported was rendered August 21, 1897, in contempt proceedings in the above-named case, held in the United States circuit court for the district of West Virginia.

The opinion was delivered by Circuit Judge Goff, and the facts in the case are clearly stated in that part of the opinion which is quoted below:

The simple question here is, Are these defendants in contempt of this court? On the 16th instant this court granted an injunction, restraining the defendants and all others from in any wise interfering with the management, operation, and conducting of the mines in the bill mentioned, either by menaces, threats, or any character of intimidation used to prevent the employees of said mines from going to or from the same, or from engaging in their usual business of mining. All persons were restrained from entering upon the property of the Montana Coal and

Coke Company for the purpose of interfering with the employees of said company, either by intimidation, or by the holding of either public or private assemblages upon said property, or in any way molesting, interfering with, or intimidating the employees of that company so as to induce them to abandon their work in the said mines.

This injunction was served on a number of the defendants early on the morning of the 17th instant. It was also served on other of the defendants, together with an additional or supplemental or construing order, on the morning of the 18th instant. If the defendants were aware that the court had passed the decree granting the injunction mentioned, if they were aware of its terms and import, and if they then interfered with or intimidated the employees of said coal company, thereby preventing them from going to or from their work, or causing them to abandon the same, then they are guilty of the contempt charged, and should be, must be, and will be punished. The strikers had the right to quit work themselves, and they had the right to induce other miners, by peaceable means, by the persuasive force of public or private argument, exerted in a lawful way, to also quit work and join them. But it must be kept in mind that the miner who still desired to work had the same right to do so as the miner to quit work; and also, it should be remembered that the owners of the mines, individual or company, had the right to operate the same, the right to employ the labor of those willing to work, the right to use the highway leading to the mines for themselves and for their employees, even as had the strikers to quit work, the miner to go on with his work, or the agitator to indulge in the right of "free speech." It seems from the evidence, that but few of the miners employed at the Montana mines had joined the strikers. All efforts to induce them to do so had apparently failed.

At this juncture a company of marching strikers, mostly from Monongah, went into camp about one mile from the Montana mines. During Monday, Tuesday, and Wednesday, this company, under command of its officers, with music and banners, marched and countermarched along the county road running through the property of the Montana Coal and Coke Company. This marching was very early in the morning and in the afternoon, at times when the miners of said company were either going to or coming from their work. The marching was from the camp down to the mine opening, then back to the village where the miners lived, thence again past the mine opening, and so on, "to and fro," during certain hours of the morning and afternoon. They did not march past the property of the company, for the reason, as stated by their leader, that the river stopped them. The marching was therefore from the camp to the river, and from the river back to the camp, always by the mine opening and the miner's homes. There was an object in this, and the intent will be disclosed by the facts. These miners had refused to join the strikers, and had neglected to attend the strikers' meeting, evidently preferring to remain at work. The camp was established near them for the purpose of influencing them. Was that influence to be exerted, and was it exerted, in a lawful and proper manner? The answer to that question determines the guilt or innocence of these accused. In endeavoring to influence the miners to join them, did the strikers prevent them from going to or from their work, and did they use any character of intimidation in so doing?

A body of men, over 200 strong, marching in the early hours of the morning, before daylight, halting in front of the mine opening, and

taking position on each side of the public highway for a distance of at least a quarter of a mile, at the exact places where the miners were in the habit of crossing that highway for the purpose of going from their homes to their work, is at least unusual, and, in the state of excitement usually attending such occasions, neither an aid to fair argument, nor conducive to the state of mind that makes willing converts to the cause thus championed. That the marching did intimidate quite a number of the miners is clear, if the evidence offered is to be believed; and the court finds it uncontradicted and entitled to credence. The court is also forced to conclude, from all the facts and circumstances detailed by the witnesses, from the object the marching men had in view, and from the locality where they marched, and its topography, that the intention of the marching strikers was to interfere with the operation of the Montana mines, with the miners engaged in working said mines, to intimidate them, and thereby induce them to abandon their work, and then secure their cooperation in closing the mines.

The marching men seemed to think that they could go and come on and over the county road as they pleased, because it was a public highway. But this was a mistake. The miners working at Montana had the same right to use the public road as the strikers had, and it was not open and free to their use when it was occupied by over 200 men stationed along it at intervals of 3 and 5 feet—men who, if not open enemies, were not bosom friends. That some miners passed through this line is shown. That others feared to do so is plain. That the marching column intended to interfere with the work at the mines would be foolish to deny. A highway is a way over which the public at large have a right of passage. It is a road maintained by the public for the general convenience. True, the strikers had a right to march over it as passengers just the same as all other citizens; but they had no right to make it a parade ground, or stop on its side ways at frequent intervals, and by the hour, at times when other people who had the same right to its use were in the habit of using it for the purposes connected with their daily avocations. The miners of the Montana mines, as well as the owners of that property, had the same right to use the public road as had the marching strikers.

It seems to the court that the men whose work is interrupted and the people whose property is damaged by the improper use and occupation of the highway are the people who have the true grounds of complaint because of the improper use of what in the early books of the law is called the "King's highway." The building in which we are now holding this court is located on the corner of Third and Pike streets, Clarksburg. All the citizens of that town can use those streets for purposes connected with their business. All persons properly deporting themselves can pass along and upon them for all proper business matters, or for the mere purpose of transit; and all persons, due regard being had for the public interest and safety, may parade, with banners, flags, and bands of music, along and over said streets at reasonable times and seasonable hours, provided the same does not prevent the reasonable and seasonable use of said streets by those entitled to the same. If such use should close the business houses along said streets, by preventing employees from reaching them, then, if such parades were not prevented by the city authorities, the owners of property so affected would be entitled to the aid of the courts in protecting their rights. No one portion of the community has a right to march along those streets day after day, night after night, and station themselves along them at intervals of 3 or 5 feet, for hour after hour, thereby preventing

the owners of property located thereon from reaching the same in person, or by their clerks or other employees, for purposes connected with their regular business. Under such circumstances the police of the city would either move the column along, out of the way of the public business, or take into custody the men who without authority obstruct the streets and public highways. The marching men had then no such right on the county road as they claimed.

That the parties now in custody knew that the injunction had been issued is not denied—is plain from the evidence. They spoke of it jocularly, mostly, now and then resentfully and disrespectfully. Such terms as these passed along the line: "We are used to papers like that." "We will take the consequences." "I will eat mine for breakfast." The officers were careful in explaining its terms, and, I may say, in beseeching the strikers not to violate them. They told the marchers to march on and pass by if they wished to, but not to march and countermarch "to and fro" by the mines, because such marching was prohibited by the court. But the advice was not heeded, the disregard of the court's order continued, and the conduct that constituted violation of the injunction was openly resorted to and persistently maintained. These defendants are all guilty of the contempt charged. Their conduct, in connection with their knowledge of the action theretofore taken by this court, concerning the injunction referred to, was evidently in violation of the provisions of section 725 of the Revised Statutes of the United States (providing for punishment of contempts by the United States courts).

Here the court spoke at length concerning the sentences of those held guilty of contempt and imposed sentences of three days in jail, and continued as follows:

In this case, for the reasons mentioned, justice has been tempered with mercy; but if, with the light of this investigation in their pathway, these defendants shall persist in disregarding the decrees of this court duly entered in causes properly before it, then let it be remembered that mercy shown to contempt under such circumstances would be not only a crime, but the death of justice.

INVENTION BY EMPLOYEE—IMPLIED LICENSE OF EMPLOYER—*Blauvelt v. Interior Conduit and Insulation Company, 80 Federal Reporter, page 906.*—This was a suit in equity by James M. S. Blauvelt, trustee, against the above-named company to restrain the alleged infringement of a patent brought in the United States circuit court for the southern district of New York. After a hearing the circuit court dismissed the suit and Blauvelt appealed the same to the United States circuit court of appeals for the second circuit. Said court rendered its decision May 26, 1897, and affirmed the decree of the circuit court.

The following, quoted from the opinion of the circuit court of appeals, which was delivered by Circuit Judge Shipman, sufficiently shows the facts in the case and the decision:

The case is, therefore, that of an inventor, who, as a workman in the employ of another, manufactures for him, in his shop, and with his

materials, and upon weekly wages, machines which the employer uses as a part of his tools, without knowledge of any objection thereto, and for which the inventor, during the term of his employment, obtains a patent, and thereafter seeks to restrain the employer from the use of the particular machine or machines which had been thus made in the employer's shop under the supervision of the employee, and apparently as a part of his ordinary mechanical work. This subject was considered at length in Gill *v.* United States, 160 U. S., 426; 16 Sup. Ct., 322. The court said the case raised the question, "which has been several times presented to this court, whether an employee paid by salary or wages, who devises an improved method of doing his work, using the property or labor of his employer to put his invention into practical form, and assenting to the use of such improvements by his employer, may, by taking out a patent upon such invention, recover a royalty or other compensation for such use. In a series of cases, to which fuller reference will be made hereafter, we have held that this could not be done." The court further said that the principle upon which all the decisions were based is "an application or outgrowth of the law of estoppel in pais." The decree of the circuit court is affirmed.

RIGHT OF ACTION FOR DAMAGES—COERCION OF EMPLOYER BY LABOR UNION TO COMPEL DISCHARGE OF EMPLOYEE—*Perkins v. Pendleton et al., 38 Atlantic Reporter, page 96.*—Action was brought in the supreme judicial court in Waldo County, Me., by Webster C. Perkins against Fremont Pendleton and others to recover damages. The defendants filed a demurrer to the declaration, and the court issued an order overruling the same. To said order the defendants filed exceptions, and on said exceptions the case was brought before the full bench of the supreme judicial court, which rendered its decision April 9, 1897, and overruled the exceptions.

The facts in the case, as well as the reasons for the decision, are stated in the opinion of the court, which was delivered by Judge Wiswell, and from the same the following is quoted:

To the plaintiff's declaration the defendants filed a general demurrer, which was overruled by the justice presiding at nisi prius, and the declaration adjudged good. The case comes to the law court upon exceptions to this ruling.

The plaintiff alleges that upon a certain day he was, and for twenty-two years prior to that time had been, in the employ of the Mount Waldo Granite Company as a stonecutter, working by the piece; that he was making large profits out of his employment; that he would have continued in such employment from the day named until the date of his writ "but for the wrongful acts, inducements, threats, persuasions, and grievances committed by said defendants against the said plaintiff as hereinafter set forth;" that on the day named, and "at divers other times thereafter until the date of the plaintiff's writ," the defendants "did unlawfully and without justifiable cause, molest, obstruct, and hinder the plaintiff from carrying on his said trade, occupation, or business as a stonecutter for the said Mount Waldo Granite Company, and wrongfully, unlawfully, and unjustly had him discharged without any

justifiable cause from the employment of the said Mount Waldo Granite Company by willfully threatening, persuading, inducing, and by other overt acts compelling the said Mount Waldo Granite Company, against its will, and without any desire on its part so to do, to discharge the said plaintiff from its employ for the sole reason that the plaintiff would not become a member in the order of the Mount Waldo Branch of the Granite Cutters' National Union;" whereby he suffered the injury specially set out in his declaration. Does this statement of facts sufficiently set out an actionable wrong upon the part of the defendants?

That an action lies under certain circumstances for procuring a third person to break his contract with the plaintiff has been frequently decided by the courts of England and of this country.

The court here cites, quotes from, and comments upon several cases bearing upon the point at issue, and then continues as follows:

In view of these authorities and others, which it is not necessary to refer to, it must be conceded that for a person to wrongfully—that is, by the employment of unlawful or improper means—induce a third party to break a contract with the plaintiff, whereby injury will naturally and probably, and does in fact, ensue to the plaintiff, is actionable; and the rule applies both upon principle and authority as well to cases where the employer breaks his contract as where it is broken by the employee; in fact it is not confined to contracts of employment.

But in this case the plaintiff does not allege that the Mount Waldo Granite Company was induced by the wrongful means adopted by the defendants to break a contract, nor that there was any contract between the plaintiff and the employees for any definite time. We must, therefore, assume that there was none, that either party had the right to terminate the employment at any time, and that the act of the Mount Waldo Company in discharging the plaintiff was lawful, and one which the company had a perfect right to do at any time. The question presented, then, is whether a person can be liable in damages for inducing and persuading, by threats or other unlawful means, an employer to discharge his employee when the terms of the contract of service are such that the employer may do this at his pleasure, without violating any legal right of the employee. The question is a novel one in this State, but it has already arisen and been passed upon by the courts of some other States.

Here the court again quotes from several important cases, and then goes on to say:

Our conclusion is that wherever a person, by means of fraud or intimidation, procures either the breach of a contract or the discharge of a plaintiff from an employment, which, but for such wrongful interference, would have continued, he is liable in damages for such injuries as naturally result therefrom; and that the rule is the same whether by these wrongful means a contract of employment definite as to time is broken, or an employer is induced, solely by reason of such procurement, to discharge an employee, whom he would otherwise have retained.

We think that the important question in an action of this kind is as to the nature of the defendant's act, and the means adopted by him to accomplish his purpose. Merely to induce another to leave an employment, or to discharge an employee, by persuasion or argument, however whimsical, unreasonable, or absurd, is not, in and of itself, unlawful, and we do not decide that such interference may become unlawful by reason

of the defendant's malicious motives, but simply that to intimidate an employer by threats, if the threats are of such a character as to produce this result, and thereby cause him to discharge an employee whom he desired to retain, and would have retained, except for such unlawful threats, is an actionable wrong.

It is the opinion of the court that the plaintiff's declaration fairly sets out a cause of action in accordance with these principles; that the question is one of proof, rather than of pleading; and that, if the plaintiff can prove the essential allegations contained in his declaration, he is entitled to recover. Exceptions overruled.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

ARKANSAS.

ACTS OF 1897—REGULAR SESSION.

ACT No. 21.—*Protection of railroad employees.*

SECTION 1. Every person who shall by any letter, mark, sign or designation whatever, or by any verbal statement, falsely and without probable cause, report to any railroad or any other company or corporation, or to any individual or individuals or to any of the officers, servants, agents or employees of any such corporation, individual or individuals, that any conductor, brakeman, engineer, fireman, station agent or other employees of any such railroad company, corporation, individual or individuals, have received any money for the transportation of persons or property, or shall falsely and without probable cause report that any conductor, brakeman, engineer, fireman, station agent or other employees of any such railroad company, corporation, individual or individuals, neglected, failed or refused to collect any money for transportation of persons or property when it was their duty so to do, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than one hundred ($100) dollars, nor more than five hundred ($500) dollars.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed, and this act [shall] take effect and be in force from and after its passage.

Approved, February 19, 1897.

ACTS OF 1897—EXTRA SESSION.

ACT No. 20.—*Convict labor.*

SECTION 1. Section 5499 of Sandels & Hill's Digest [shall] be amended so as to read as follows:

SECTION 5499. The said board [penitentiary commissioners] shall have the general management and control of the State penitentiary, and all convicts sentenced to said penitentiary, whether within or without the walls thereof. It shall make or approve all contracts for the building of any additions, repairs, barracks, stockades and improvements necessary to be made in connection with the penitentiary or convict system of this State on the terms prescribed by law, or in the absence thereof, on such terms as it may consider for the best interest of the State. It shall have power to purchase or cause to be purchased with such funds as may be at its disposal, not otherwise appropriated, any lands, buildings, machinery, live stock and tools necessary for the use, preservation and operation of the penitentiary, to the end that the largest number of convicts that can be comfortably accommodated and be made self-supporting may be confined therein and until adequate provisions be made by the general assembly for the confinement and employment of all convicts within the walls; said board shall cause to be employed the excess of convicts at labor outside the walls, either under the contract or State account system, under such regulations, conditions and restrictions as it may deem best for the welfare of the State and the convicts; and said board is hereby empowered and authorized to purchase or lease and equip a farm or farms upon which to work State convicts, and to pay for the same out of the labor or product of the labor of any of the convicts, or they may select any lands of the State, and clear and improve and establish a farm on same of sufficient area to employ all convicts who are able to work in cultivating same. And said board is hereby empowered to perform any and all acts necessary in the purchase or lease and equipping of said farm or farms.

Provided, Said board shall not have the power to remove or sell the present penitentiary under this act.

Provided, The board shall only apply such proceeds for the payment of said farms as are not actually needed for the support and maintenance of the State convict farm.

SEC. 2. All laws in conflict herein [herewith] are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, June 4, 1897.

ACT NO. 33.—*Convict labor.*

WHEREAS, The State of Arkansas has leased and may in the future lease to various and sundry parties in several parts of the State, certain convicts on the share-crop system and otherwise; and,

WHEREAS, The roads in the neighborhood of and leading to these various convict camps are very much used and cut up in hauling supplies for use of [camps] and wood, cotton, cotton seed and corn raised at said camps, and in some instances practically made useless for the people in the neighborhood; and,

WHEREAS, There is no law now on the statute [books] requiring these convicts to do their share of the labor in repairing these roads; Therefore,

Be it enacted, etc.

SECTION 1. That the superintendent of the penitentiary may in his judgment and at such times as such convicts are not occupied in making and gathering crops, or otherwise employed in work for the State, order the roads leading to and in the neighborhood of the several camps now occupied or which may hereafter be occupied by said convicts, worked and repaired by said convicts.

Provided, That nothing in this act will require State convicts to work said roads for a greater number of days for each man than is now allowed by law for the regular road hands; and,

Provided further, That nothing in this act shall repeal any law which requires the regular road hands to work said roads.

SEC. 2. All laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and this act [is] to take effect from and after its passage.

Approved, June 21, 1897.

ACT NO. 43.—*Exemption from garnishment—Wages.*

SECTION 1. Hereafter no garnishment shall be issued by any court in any cause where the sum demanded is two hundred dollars or less, and where the property sought to be reached is wages due to a defendant by any railroad corporation until after judgment shall have been recovered by plaintiff against defendant in the action.

SEC. 2. No railroad corporation shall be required to make answer to, nor shall any default or other liability attach because of its failure to so answer any interrogatories propounded to it, in any action against any person to whom it may be indebted on account of wages due for personal services, where a writ or [of] garnishment was issued in advance of the recovery by plaintiff of a personal judgment against the defendant in any action for two hundred dollars or less, and any judgment rendered against any railroad corporation for its said failure or refusal to make answer to any garnishment so issued before the recovery of final judgment in the action between the plaintiff and defendant in the cases mentioned in section 1, shall be void, and any officer entering such a judgment or who may execute or attempt to execute the same, shall be taken and considered a trespasser.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, June 26, 1897.

ACT NO. 48.—*Wages preferred—In payments by receivers.*

SECTION 4. As soon as the receiver shall have taken the property into his custody, he shall proceed under the direction of the court, or of the judge, in vacation, to convert the same into money, and upon final hearing, the court, after deducting the cost and paying all public taxes, shall order the proceeds to be distributed among the creditors in the order and with the preferences following:

First—The salaries of employees earned within three months, and all laborers' wages shall be paid first.

* * * * * * *

Approved, June 26, 1897.

COLORADO.

ACTS OF 1897.

CHAPTER 2.—*State board of arbitration.*

SECTION 1. There shall be established a State board of arbitration consisting of three members, which shall be charged, among other duties provided by this act, with the consideration and settlement by means of arbitration, conciliation and adjustment, when possible, of strikes, lockouts and labor or wage controversies arising between employers and employees.

SEC. 2. Immediately after the passage of this act the governor shall appoint a State board of arbitration, consisting of three qualified resident citizens of the State of Colorado and above the age of thirty years. One of the members of said board shall be selected from the ranks of active members of bona fide labor organizations of the State of Colorado, and one shall be selected from active employers of labor or from organizations representing employers of labor. The third member of the board shall be appointed by the governor from a list which shall not consist of more than six names selected from entirely disinterested ranks submitted by the two members of the board above designated. If any vacancy should occur in said board, the governor shall, in the same manner, appoint an eligible citizen for the remainder of the term, as hereinbefore provided.

SEC. 3. The third member of said board shall be secretary thereof, whose duty it shall be, in addition to his duties as a member of the board, to keep a full and faithful record of the proceedings of the board and perform such clerical work as may be necessary for a concise statement of all official business that may be transacted. He shall be the custodian of all documents and testimony of an official character relating to the business of the board; and shall also have, under direction of a majority of the board, power to issue subpœnas, to administer oaths to witnesses cited before the board, to call for and examine books, papers and documents necessary for examination in the adjustment of labor differences, with the same authority to enforce their production as is possessed by courts of record or the judges thereof in this State.

SEC. 4. Said members of the board of arbitration shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. The secretary of state shall set apart and furnish an office in the State capitol for the proper and convenient transaction of the business of said board.

SEC. 5. Whenever any grievance or dispute of any nature shall arise between employer and employees, it shall be lawful for the parties to submit the same directly to said board, in case such parties elect to do so, and shall jointly notify said board or its clerk in writing of such desire. Whenever such notification is given it shall be the duty of said board to proceed with as little delay as possible to the locality of such grievance or dispute, and inquire into the cause or causes of such grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board in writing, clearly and in detail, their grievances and complaints and the cause or causes therefor, and severally agree in writing to submit to the decision of said board as to the matters so submitted, promising and agreeing to continue on in business or at work, without a lockout or strike until the decision is rendered by the board, provided such decision shall be given within ten days after the completion of the investigation. The board shall thereupon proceed to fully investigate and inquire into the matters in controversy and to take testimony under oath in relation thereto; and shall have power under its chairman or clerk to administer oaths, to issue subpœnas for the attendance of witnesses, the production of books and papers in like manner and with the same powers as provided for in section 3 of this act.

SEC. 6. After the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The clerk of said board shall file four copies of such decision, one with the secretary of state, a copy served to each of the parties to the controversy, and one copy retained by the board.

SEC. 7. Whenever a strike or lockout shall occur or seriously threaten in any part of the State, and shall come to the knowledge of the members of the board, or any one thereof by a written notice from either of the parties to such threatened strike or lockout, or from the mayor or clerk of the city or town, or from the justice of the peace of the district where such strike or lockout is threatened, it shall be their duty, and they are hereby directed, to proceed as soon as practicable to the locality of such strike or lockout and put themselves in communication with the parties to the controversy and endeavor by mediation to effect an amicable settlement of such

controversy, and, if in their judgment it is deemed best, to inquire into the cause or causes of the controversy; and to that end the board is hereby authorized to subpœna witnesses, compel their attendance, and send for persons and papers in like manner and with the same powers as it is authorized by section 3 of this act.

SEC. 8. The fees of witnesses before said board of arbitration shall be two dollars ($2.00) for each day's attendance, and five (5) cents per mile over the nearest traveled routes in going to and returning from the place where attendance is required by the board. All subpœnas shall be signed by the secretary of the board and may be served by any person of legal age authorized by the board to serve the same.

SEC. 9. The parties to any controversy or difference as described in section 5 of this act may submit the matters in dispute in writing to a local board of arbitration and conciliation; said board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third who shall be chairman of such local board; such board shall in respect to the matters referred to it have and exercise all the powers which the State board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matter submitted to it, but it may ask and receive the advice and assistance of the State board. Such local board shall render its decision in writing, within ten days after the close of any hearing held by it, and shall file a copy thereof with the secretary of the State board. Each of such local arbitrators shall be entitled to receive from the treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved by the mayor of such city, the board of trustees of such village, or the town board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration: *Provided,* That when such hearing is held at some point having no organized town or city government, in such case the costs of such hearing shall be paid jointly by the parties to the controversy: *Provided further,* That in the event of any local board of arbitration or a majority thereof failing to agree within ten (10) days after any case being placed in their hands, the State board shall be called upon to take charge of said case as provided by this act.

SEC. 10. Said State board shall report to the governor annually, on or before the fifteenth day of November in each year, the work of the board, which shall include a concise statement of all cases coming before the board for adjustment.

SEC. 11. The secretary of state shall be authorized and instructed to have printed for circulation one thousand (1,000) copies of the report of the secretary of the board, provided the volume shall not exceed four hundred (400) pages.

SEC. 12. Two members of the board of arbitration shall each receive the sum of five hundred dollars ($500) annually, and shall be allowed all money actually and necessarily expended for traveling and other necessary expenses while in the performance of the duties of their office. The member herein designated to be the secretary of the board shall receive a salary of twelve hundred dollars ($1,200) per annum. The salaries of the members shall be paid in monthly installments by the State treasurer upon warrants issued by the auditor of the State. The other expenses of the board shall be paid in like manner upon approved vouchers signed by the chairman of the board of arbitration and the secretary thereof.

SEC. 13. The terms of office of the members of the board shall be as follows: That of the members who are to be selected from the ranks of labor organizations and from the active employers of labor shall be for two years, and thereafter every two years the governor shall appoint one from each class for the period of two years. The third member of the board shall be appointed as herein provided every two years. The governor shall have power to remove any members of said board for cause and fill any vacancy occasioned thereby.

SEC. 14. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general revenue fund the sum of seven thousand dollars for the fiscal years 1897 and 1898, only one-half of which shall be used in each year, or so much thereof as may be necessary, and not otherwise appropriated.

SEC. 15. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 31, 1897.

CHAPTER 5.—*Convict labor.*

SECTION 1. Section one of an act entitled "An act to amend section one of an act entitled 'An act concerning convict labor and the product of convict labor, approved April 2, 1887'" [section 3447, Mills' Annotated Statutes, 1891], is hereby amended so as to read as follows:

"SEC. 1. Every able-bodied convict shall be put to, and kept at, the work most suitable to his or her capacity, and most advantageous to the people of the State of

Colorado, and which may least conflict with the free labor of the said State, during his or her confinement; and the earnings of such convict, after deducting sufficient thereof to pay and satisfy the cost of maintenance and retention, shall be given to the family of such convict, or dependents, if there be any, if there be none, the same accumulated shall be paid to such convict upon discharge from the penitentiary."

SEC. 2. The sum of ten thousand dollars ($10,000) is hereby appropriated, out of any moneys in the State treasury, not otherwise appropriated, for the purpose of carrying this act into operation and the payment of warrants drawn on account thereof.

SEC. 3. All acts and parts of acts and all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 4. In the opinion of the general assembly of the State of Colorado an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved April 28, 1897.

CHAPTER 26.—*Wages preferred—In assignments.*

SECTION 27. The valid claims of servants, laborers and employees of the assignor, for wages earned during the six months next preceding the date of the assignment, not to exceed fifty dollars, to any one person then unpaid, and still held by the person who earned the same, * * * shall be preferred claims and be paid in full, prior to the payment of the dividends in favor of other creditors.

Approved May 5, 1897.

CHAPTER 31.—*Blacklisting and boycotting.*

SECTION 1. Any railroad or telegraph company, or any officer, agent or employee of any railroad or telegraph company, or any other company, corporation or individual doing business within the State of Colorado, shall not issue, circulate, or publish, or cause to [be] issued, circulated or published, any black list, circular, or other statement, regarding any person or persons who may have been in the employ of any of the above-mentioned railroads, telegraph, or other companies, corporations, or individuals, which will deprive said person or persons of, or in any way prevent them from obtaining employment.

SEC. 2. Any dismissed employee shall on demand be furnished by the aforesaid employer of said dismissed employee specific reasons in writing for said dismissal: *Provided*, That no person or corporation shall be held liable either civilly or criminally for any such reasons so given upon such request.

SEC. 3. It shall be unlawful for any person or persons, or combination of persons, or society, or union, to establish or institute, or engage in a boycott against any individual, firm or corporation carrying on any kind of trade or business, by agreeing not to patronize, trade or do business with any such individual, firm or corporation, or to induce others not to so patronize, trade or do business with any such individual, firm or corporation.

SEC. 4. Any violation of this act shall be a misdemeanor and punishable by fine of not less than five hundred (500) dollars, nor more than one thousand (1,000) dollars, or imprisonment not less than sixty (60) days, nor more than one year, or both fine and imprisonment at the discretion of the court.

Approved, April 21, 1897.

CHAPTER 37.—*Coal mines—Check weighmen.*

SECTION 1. Hereafter in all coal mines in this State, operated by individuals or corporations, whether as owners or lessees and working twenty or more miners under ground, there may be employed a check weighman, who shall be selected by the miners employed in said mine and whose wages shall be paid by the miners therein employed.

SEC. 2. The duties of such check weighman shall be to see that all coal, mined in the coal mine at which he is employed, is accurately weighed and for that purpose every such aforesaid owner or lessee shall give to such weighman, free access to all scales and weights used for that purpose and to all books wherein the weights of coal mined by the miners of said mines are recorded.

SEC. 3. Any mine owner, operator, manager, superintendent or lessee operating any coal mine in this State who shall refuse to allow any such check weighman to be so employed or shall refuse such check weighman access to such aforesaid scales, weights or books shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not less than $25.00 nor more than $500.00.

Approved, March 31, 1897.

CHAPTER 50.—*Coercion of employees.*

SECTION 1. It shall be unlawful for any individual, company or corporation or any member of any firm, or agent, officer or employee of any company or corporation, to prevent employees from forming, joining or belonging to any lawful labor organization, union, society or political party, or to coerce or attempt to coerce employees by discharging or threatening to discharge them from their employ or the employ of any firm, company or corporation, because of their connection with such lawful labor organization, union, society or political party.

SEC. 2. Any person or any member of any firm, or agent, officer or employee of any such company or corporation, violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars or imprisoned for a period not less than six months nor more than one year, or both, in the discretion of the court.

Approved, March 18, 1897.

CHAPTER 54.—*Regulating practice of horseshoeing.*

SECTION. 1. No person shall practice horseshoeing as a master or journeyman horseshoer in any city of this State having a population of 70,000 inhabitants or more, unless he is duly registered as hereinafter provided in a book kept for that purpose in the office of the county clerk of the county in which he practices.

Apprentices may follow the occupation of horseshoeing while learning the trade.

SEC. 2. No person shall be entitled to register as master or journeyman horseshoer without presenting a certificate of satisfactory examination before the board of examiners as provided for in section 4.

SEC. 3. Any person who has been practicing as a master or journeyman horseshoer in the State for the period of not less than four years preceding the passage of this act may register within three months after the passage of this act, upon making and filing with the county clerk of the county in which he practices an affidavit stating that he has been practicing horseshoeing for the period hereinbefore prescribed, and upon complying with this section shall be exempt from the provisions of this act, requiring an examination. Any person who wishes to practice as a master or journeyman can apply to the board of examiners, and upon passing a satisfactory examination shall receive a certificate to practice as such.

SEC. 4. A board of examiners, consisting of one veterinarian and two master horseshoers and two journeymen horseshoers, is hereby created, all of whom shall be residents of the State of Colorado, whose duty it shall be to carry out the provisions of this act. The members of said board shall be appointed by the governor, and the term of office shall be for two years, or until their successors shall be duly appointed and qualified. The board of examiners shall hold sessions for the purpose of examining applicants desiring to practice horseshoeing as master or journeyman horseshoers as often as shall be necessary, and shall grant a certificate to any person showing himself qualified to practice, and shall receive as compensation a fee of two dollars from each person examined. Three members of said board, including the veterinary surgeon and at least one master horseshoer, shall constitute a quorum. The board shall adopt a set of rules governing examination of applicants. The board of examiners shall regulate as to the time apprentices shall serve in learning the trade, which shall not be more than three years at any time, and an apprentice may make application to the board of examiners, and if he passes a satisfactory examination they shall grant him a certificate to practice as a master or journeyman. The board of examiners shall submit to the governor a biennial report as to receipts and expenditures, and the business transacted by them. They shall also submit to him the rules for examination for his approval.

SEC. 5. The veterinary surgeon appointed on said board shall be a practicing graduate, having a diploma from some reputable veterinary institute, who has been a resident of Colorado three years prior to his appointment. The master horseshoers appointed on said board shall have had ten years' practice as horseshoers, and in business giving employment to horseshoers prior to and at the time of appointment, having had a bona fide residence of five years in the State of Colorado. The journeyman horseshoers shall have had ten years' practical experience in horseshoeing, with a residence of five years in Colorado prior to appointment. Each member of the board shall give a bond of $500 to the State for the faithful performance of his duties as member of the board.

SEC. 6. The county clerk of each county containing any such city shall provide a book to be known as the "Master and Journeyman Horseshoers' Register," in which shall be recorded the names of the registrants, who shall then be entitled to continue the practice of horseshoeing. Every applicant who shall have complied with the

provisions of sections 2 and 3, shall be admitted to registration, and shall pay the clerk of said county the sum of twenty-five cents, which shall be received as full compensation for such registration.

SEC. 7. Any person who shall present to the clerk for the purpose of registration any certificate which has been fraudulently obtained, or shall practice as a master or journeyman horseshoer without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five dollars nor more than fifty dollars, or imprisonment in the county jail for a period of not less than one day and not exceeding thirty days for each and every violation hereof; each day being considered a separate offense.

SEC. 8. Justices of the peace shall have jurisdiction in all cases arising under this act.

Approved March 31, 1897.

CHAPTER 69.—*Railroads—Protection of employees—Safety apparatus.*

SECTION 1. From and after the passage of this act, it shall be the duty of all corporations, companies and persons using, maintaining, operating or controlling any railroad, or railroad track, to safely and securely block between the switch rails going into each of the head chairs for a distance of six feet from each and every head block; and to safely and securely block between the rails from the point where the iron filling which extends from the point of each frog ends for a distance of four feet from the end of said filling; and to safely and securely block between each and every guard rail and the main or other adjacent rail for the entire distance of the curve, or curves, in all guard rails at both ends of each and every guard rail; and to safely and securely block between each and every wing rail of all frogs and the heel of each and every frog; and to safely and securely block between the rails in each and every wedge of all frogs; and to safely and securely block for a distance of five feet from the end of each and every split rail between such split rail and the adjacent rail of all split switches.

SEC. 2. In all trials in all courts in this State, to recover for personal injury, and in all cases of personal injury to employees, or other persons, occasioned by, or in any manner directly or indirectly resulting from being caught between any of the aforesaid rails, testimony relative to compliance with the requirements of this act shall be admitted. And where a failure is shown on the part of any such corporation, company or person to have safely and securely blocked such rails in accordance with the provisions of this act, such failure to have complied with any of the provisions of this act shall be prima facie evidence of the negligence of any such corporation, company or other person so failing to comply with any of the provisions of this act where any such employee, or other person, may be caught between such rails not blocked in accordance with the provisions of this act.

Approved April 1, 1897.

CONNECTICUT.

ACTS OF 1897.

CHAPTER 40.—*Wages preferred—In payments by receivers.*

SECTION 1. All debts due to any laborer or mechanic for personal wages, from any corporation or copartnership for which a receiver shall be appointed, for any labor performed for such corporation or copartnership within three months next preceding the service of the application for the appointment of a receiver, shall be paid in full by the receiver, to the amount of one hundred dollars, before the general liabilities of such corporation or copartnership are paid.

SEC. 2. Chapter CCXLII of the public acts of 1895, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

SEC. 3. This act shall take effect from its passage.

Approved March 17, 1897.

CHAPTER 174.—*Bake shops—Inspection, etc.*

SECTION 1. Every building, room, or place, used in or in connection with the manufacture for sale of any article of food composed wholly or in part of flour or meal from cereals, shall be known under this act as a "bake shop."

SEC. 2. Every bake shop shall be properly drained, plumbed, ventilated, and kept in a clean and sanitary condition, and conducted with proper regard to the health of the operatives and the production of wholesome food.

SEC. 3. Every bake shop shall be provided with a proper wash room and water-closet or closets, apart from the bake room or rooms where the manufacture of such food products is conducted, and no water-closet, earth closet, or privy shall be within the bake room of any bakery.

SEC. 4. The sleeping places for persons employed in a bake shop shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored.

SEC. 5. The factory inspector shall examine all bake shops as frequently as may be necessary, to ascertain whether they are kept and conducted in the manner herein provided; and shall, in addition to such regulation as the factory inspector is by law now authorized to make, report in writing to the local health officer of any town, city, or borough, every bake shop located within such jurisdiction found not kept and conducted as herein provided; and such health officer shall thereupon investigate, or cause to be investigated by other health officer or officers, such unsanitary conditions so reported to him, and if found to exist, shall cause the same to be removed in the manner now provided by the laws relating to public health, as provided in section 2592 of the general statutes.

Approved May 25, 1897.

CHAPTER 184.—*Blacklisting.*

Every employer who shall blacklist an employee with intent to prevent such employee from procuring other employment shall, upon conviction, be fined not more than two hundred dollars.

Approved May 25, 1897.

CHAPTER 241.—*Inclosed vestibules and gates upon street railway cars.*

SECTION 1. Whenever the railroad commissioners deem it needful in the interests of the public or employees thereon concerned, that the platforms of any or all of the cars operated upon any street railway in this State should be protected by gates or vestibules more or less inclosed, said commissioners may order the company operating such car or cars to inclose the platforms thereon with gates or vestibules, or both, of the kind and in such manner as they may deem necessary and proper for the protection of said interests, first giving such company reasonable notice to appear and be heard thereon, and may from time to time similarly modify or revoke any such order; and said commissioners shall have sole and exclusive jurisdiction with respect to requiring that the platforms of any street railway car or cars be protected or inclosed by gates or vestibules.

SEC. 2. Any company operating such car or cars which shall neglect or refuse to comply with any such order shall forfeit to the treasurer of the State twenty-five dollars for each day of such neglect or refusal.

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect upon its passage.

Approved June 11, 1897.

DELAWARE.

ACTS OF 1897.

CHAPTER 452.—*Protection of female employees.*

SECTION 1 (as amended by chapter 453, acts of 1897). It shall be the duty of every person or corporation employing female labor to the number of ten or upwards in New Castle County to provide, within three months after the passage of this act, a room or rooms, plainly and appropriately furnished, for such female employees to dress, wash and lunch in, separate and apart from the male employees of such person or corporation, allowing in said separate room or rooms [*sic*]; *and further*, to provide washing sinks for such female employees, separate and apart from such male employees, allowing one such washing sink to each fifteen of such female employees employed by such person or corporation; *and further*, to provide water-closets for such female employees, separate from those used by such male employees: *Provided*, That nothing in this section shall apply to canning establishments doing business in the rural districts of said county.

SEC. 2. It shall be the duty of every storekeeper in New Castle County to provide seats for his or her clerks and employees, so that when unemployed such clerks and employees may be seated.

SEC. 3. It shall be the duty of every person or corporation employing female labor to provide such places for such female employees to work in during cold weather as shall be reasonably and comfortably warm.

SEC. 4. It shall be unlawful for any employer of female labor, or any overseer, superintendent, foreman or boss of any such employer of female labor to use toward female employees any abusive, indecent or profane language, or to in any manner abuse, misuse, unnecessarily expose to hardship, or maltreat any such female employee.

SEC. 5. Any person violating any provision of section 4 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten and not exceeding one hundred dollars for each offense; any person or corporation violating any provision of the first, second and third sections of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of ten dollars, and shall be subject to the further penalty of ten dollars for each day thereafter during which such corporation or person shall refuse or neglect to provide the furnished rooms, seats, appliances or furnish the heat therein mentioned.

SEC. 6 (as amended by chapter 453, acts of 1897). Prosecutions for violation of the provisions of this act may be instituted upon the complaint of any person before any justice of the peace of New Castle County resident in the hundred in which the place of business of such employer shall be located, or in a hundred adjacent thereto. Any such justice of the peace shall have jurisdiction to hear, try and determine such complaints with an appeal to the court of the general sessions of the peace and jail delivery. Upon conviction of violation of any of the provisions of this act the justice of the peace hearing said complaint shall remand the defendant or defendants, if individuals, to the custody of the sheriff, until the fines, costs and penalties imposed by him in such case shall be paid upon conviction of violation of any of the provisions of this act. The justice of the peace hearing said complaint, in case said defendant is a corporation, shall have authority to issue execution against said defendant for the fine and costs and all penalties imposed or accruing against said defendant under the provisions of this act. All fines and penalties imposed under this act shall be paid into the treasury of New Castle County. In any prosecution under the first section of this act it shall not be necessary to aver in the complaint, or to prove in behalf of the prosecution at the trial thereof, that the defendant employs female labor to the number of ten or upwards; *Provided, however*, That the defendant in any such prosecution may introduce evidence upon this point, and if the justice of the peace trying said cause shall find that such defendant does not employ female labor to the number of ten or upwards, said prosecution shall fail. All prosecutions under this act shall be in the name of [the] State of Delaware.

SEC. 7. The chief justice of the State of Delaware is hereby authorized and required within sixty days after the passage of this act to appoint a female inspector, whose duty it shall be to visit from time to time all stores, mills, factories and other places of business where female labor is employed and to duly enforce the provisions of this act. Whenever said inspector shall ascertain that the provisions of this act or any of them are being violated by any employer in New Castle County, it shall be the duty of said inspector to serve upon such violator of the provisions of this act written notice that unless such employer shall conform to the requirements of this act, and wholly cease any violation thereof within ten days from the services of such notice, such employer will be prosecuted under the provisions of this act. And it shall further be the duty of said inspector in case of the neglect or failure of such employer, who has received such notice, to conform to the provisions of this act, and to cease all violations thereof within ten days from the said service of said notice, to institute the prosecution of such recalcitrant employer or employers under the provisions of this act, by swearing out before any justice of the peace in New Castle County resident in the hundred where said employer may have his, her or its place of business, or in an adjacent hundred, the necessary warrant or complaint and thereupon to assist and enforce the prosecution of the person or corporation so complained of to the full extent of her power, and it shall further be the duty of such inspector in case any prosecution under the provisions of this act shall be begun or instituted by any other person than such inspector, to aid, further and assist such independent prosecution of such employer to the best of her power, and whenever such independent prosecution of any such employer shall be begun by any person other than said inspector it shall be the duty of the justice of the peace before whom such complaint shall be made to straightway notify by due course of mail the inspector appointed under this act, informing such inspector of the name of the complainant and defendant, of the names of the witnesses indorsed upon said complaint and of the day, hour and place fixed for the hearing of said cause.

SEC. 8. It shall be the duty of every employer of female labor in New Castle County, whether to the number of ten or upward or less, to permit said inspector to have full and free access at any time during the working noon hours of said employees to the place of business of such employer where such employees are employed, and in case any such employer shall refuse such inspector full and free access to his place of business as aforesaid, or shall in any way hinder or prevent the full performance

of her duties of inspection under the provisions of this act, such employer shall be deemed guilty of a misdemeanor, and upon every conviction of such interference with said inspector in the performance of her duties, shall pay a fine to New Castle County of ten dollars, which fine shall be collected in the same manner as the other fines and penalties heretofore provided for in this act.

SEC. 9 (as amended by chapter 453, acts of 1897). The inspector appointed under this act shall hold her said office for the term of two years, or until her successor is appointed, and shall receive an annual salary of three hundred dollars, payable quarterly, by warrants upon the county treasury; it shall further be her duty on the first day of August in each year subsequent to the year of her appointment, to make a written report to the chief justice of her acts and of all transactions under this statute. The provisions of this act shall apply to and be enforced only in duly incorporated towns and cities in New Castle County.

Passed at Dover, May 10, 1897.

ILLINOIS.

ACTS OF 1897.

Employment of children.

(Page 90.)

SECTION 1. No child under the age of fourteen years shall be employed, permitted or suffered to work for wages at any gainful occupation hereinafter mentioned.

SEC. 2. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors in any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop within this State to keep a register in said mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age and place of residence of every child employed, or permitted or suffered to work therein under the age of sixteen years, and it shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ, or to permit or to suffer to work in any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop, any child under the age of sixteen years and over the age of fourteen years, unless there is first provided and placed on file in such mercantile institution, office, laundry, manufacturing establishment, factory, or workshop an affidavit made by the parent or guardian stating the name, date and place of birth of such child. If such child shall have no parent or guardian, then such affidavit shall be made by the child. And the register and affidavits herein provided for shall, on demand, be produced and shown for inspection to the State factory inspector, assistant State factory inspector, or deputy State factory inspector.

SEC. 3. Every person, firm or corporation, agent or manager of a corporation employing, or permitting or suffering to work children under the age of sixteen years, and over the age of fourteen years, in any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop shall post, and keep posted in a conspicuous place in every room in which such help is employed, or permitted or suffered to work, a list containing the name, age and place of residence of every person under the age of sixteen years employed, permitted or suffered to work in such room.

SEC. 4. No person under the age of sixteen years shall be employed or suffered to work for wages at any gainful occupation more than sixty hours in any one week, nor more than ten hours in any one day.

SEC. 5. The presence of any person under sixteen years of age in any manufacturing establishment, factory or workshop shall constitute prima facie evidence of his or her employment therein.

SEC. 6. No child under the age of sixteen years shall be employed, or permitted or suffered to work by any person, firm or corporation in this State at such extra hazardous employment whereby its life or limb is in danger, or its health is likely to be injured, or its morals may be depraved.

SEC. 7. It shall be the duty of the State factory inspector to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State. It shall be the duty of the State factory inspector, assistant State factory inspector, and of the deputy State factory inspectors, under the supervision and direction of the State factory inspector, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

SEC. 8. The words "manufacturing establishment," "factory" or "workshop," as used in this act, shall be construed to mean any place where goods or products are

manufactured or repaired, dyed, cleaned or sorted, stored or packed, in whole or in part, for sale or for wages, and not for personal use of the maker, or his or her family or employer.

SEC. 9. Any person, firm or corporation, agent or manager of any corporation, who, whether for himself or for such firm or corporation, or by himself or through subagents or foreman, shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) for each offense. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the provisions of this act shall be liable to the above penalties, which may be recovered against such corporation in an action for debt or assumpsit, brought before any court of competent jurisdiction in this State.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved June 9, 1897.

Fire escapes on factories, tenement houses, etc.

(Page 222.)

SECTION 1. Within three (3) months next after the passage of this act all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire escapes attached to the outer walls thereof, and provided with platforms of such form and dimensions, and such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story easy and safe, and shall also be provided with one or more automatic metallic fire escapes, or other proper device, to be attached to the inside of said buildings so as to afford an effective means of escape to all occupants who, for any reason, are unable to use said ladders or stairs; the number, location, material and construction of such escapes to be subject to the approval of the inspector of factories: *Provided, however,* That all buildings more than two stories in height, used for manufacturing purposes, or for hotels, dormitories, schools, seminaries, hospitals, or asylums, shall have at least one such ladder fire escape for every fifty (50) persons, and one such automatic metallic escape, or other device, for every twenty-five (25) persons, for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls which provide seating room above the first or ground story shall be provided with such numbers of said ladder and other fire escapes as said inspector of factories shall designate.

SEC. 2. All buildings of the number of stories and used for the purposes set forth in section one (1) of this act which shall be hereafter erected within this State shall, upon or before their completion, each be provided with fire escapes of the kind and number and in the manner set forth in this act.

SEC. 3. It shall be the duty of said inspector of factories to serve a written notice, in behalf of the people of the State of Illinois, upon the owner or owners, trustees or lessees, or occupant, of any building within this State not provided with fire escapes in accordance with the requirements of this act, commanding such owner, trustee, lessee or occupant, or either of them, to place or cause to be placed upon such building such fire escape or escapes as provided in section one (1) of this act, within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may also, during any term, visit or hear testimony relating to any building or buildings within their respective counties for the purpose of ascertaining whether it or they are provided with fire escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook County, and to the criminal court of Cook County, and said court may thereupon, if it find from the report of said grand jury that said building or buildings is or are not provided with a fire escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustee, lessee or occupant of such building or buildings.

SEC. 4. Any such owner or owners, trustee, lessee, or occupant, or either of them, so served with notice as aforesaid, who shall not, within thirty (30) days after the service of such notice upon him or them, place, or cause to be placed, such fire escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five or more than two hundred dollars, and to a further fine of fifty dollars for each additional week of neglect to comply with such notice.

SEC. 5. The erection and construction of any and all fire escapes provided for in this act shall be under the direct supervision and control of said inspector of fac-

tories, and it shall be unlawful for any person or persons, firm or corporation to erect or construct any fire escape or escapes, except in accordance with a written permit first had and obtained and signed by said inspector of factories, which permit shall prescribe the number, location, material, kind and manner of construction of such fire escapes.

SEC. 6. Any person or persons, firm or corporation, who shall be required to place one or more fire escapes upon any building or buildings, under the provisions of this act, shall file in the office of said inspector of factories a written application for a permit to erect or construct such fire escape or escapes, which application shall briefly describe the character of such building or buildings, the height and number of stories thereof, the number of fire escapes proposed to be placed thereon, the purposes for which such building or buildings is or are used, and the greatest number of people who use or occupy or are employed in such building or buildings above the second stories thereof at any one time.

SEC. 7. An act entitled "An act relating to fire escapes for buildings," approved June 29, 1885, in force July 1, 1885 [chapter 55 a, Revised Statutes of 1891], is hereby repealed.

Approved, May 27, 1897.

Exemption from garnishment—Wages.

(Page 231.)

SECTION 1. Section 14 of an act entitled "An act in regard to garnishment," approved March 9, 1872, in force July 1, 1872, as amended by the act of May 31, 1879, in force July 1, 1879 [section 14 of chapter 62, Revised Statutes of 1891], is hereby amended to read as follows:

SECTION 14. The wages for services of a defendant, who is the head of a family and residing with the same, to the amount of eight (8) dollars per week shall be exempt from garnishment. All above the sum of eight (8) dollars per week shall be liable to garnishment: *Provided*, The person bringing suit shall first make a demand in writing for the excess above the amount herein exempted. No cost or expenses shall be chargeable to the defendant unless he shall refuse to turn over to the creditor the amount due him above that herein exempted upon such written demand.

Approved, June 14, 1897.

Examination, licensing, etc., of horseshoers.

(Page 233.)

SECTION 1. It shall be unlawful for any person to practice as a horseshoer in this State unless such person shall have received a license to do so as hereinafter provided.

SEC. 2. A board of examiners, to consist of four practicing horseshoers and a veterinary surgeon, is hereby created, whose duty it shall be to carry out the provisions of this act, two of said horseshoers to be master horseshoers and two of them to be journeymen horseshoers, and a veterinary surgeon not to be engaged in the practice of horseshoeing during his term of service on said board, and in case that either of said journeymen horseshoers shall become a master horseshoer, or either of said master horseshoers shall become a journeyman horseshoer, during his term of office as herein provided, then he shall forfeit his membership on said board and his place shall be immediately filled in the manner provided for in the original appointment of said board. The members of said board shall be appointed by the governor. The term for which the members of said board shall hold their office shall be five years, except that the members of said board first appointed hereunder shall hold their office for the term of one, two, three, four and five years, respectively, and until their successors shall be duly appointed. In case of vacancy occurring on said board, such vacancy shall be filled by the governor.

SEC. 3. Said board shall choose one of its members for president, one for secretary, and one for treasurer thereof, and it shall meet at least once in each year and as much oftener, and at such times and places, as it may deem necessary. A majority of said board shall constitute a quorum, and the proceedings thereof shall be at all times open to public inspection.

SEC. 4. It shall be the duty of every person who is engaged as a horseshoer in this State to cause his or her name and residence to be registered with said board of examiners within six months after the date of the passage of this act, and said board of examiners shall keep a book for that purpose, and it shall be the duty of said board to know that the persons so registering are horseshoers, and every person who

shall so register with said board as a horseshoer may continue to practice the same as such without incurring any of the penalties provided for in this act.

SEC. 5. No person whose name is not registered on the books of said board as a horseshoer within the time prescribed in the preceding section shall be permitted to practice as a horseshoer in this State until such person shall have been duly examined by said board and regularly licensed in accordance with the provisions of this act.

SEC. 6. The necessary qualification to practice as a horseshoer in this State shall be that the applicant has worked four years at the business of horseshoeing and has complied with section five of this act.

SEC. 7. Any and all persons who shall so desire may appear before said board at any of its regular meetings and be examined with reference to their knowledge and skill in horseshoeing, and if the examination of such person or persons shall prove satisfactory to said board, the said board shall issue to such person or persons a license to practice in this State as a horseshoer.

SEC. 8. The secretary of said board shall issue a license on the recommendation of two members of the board to any applicant upon the presentation by such applicant of the evidence of the necessary qualifications to practice as a horseshoer, and said board may provide such method of examination as it may deem wise, and such temporary license shall remain in force until the next regular meeting of said board occurring after the date of such temporary license, and no longer.

SEC. 9. Any person who shall violate the provisions of this act shall be liable to prosecution before any court of competent jurisdiction, and, upon conviction, may be fined not less than $25.00 nor more than $200.00 for each and every offense. All fines recovered under this act shall be paid into the common-school fund of the county in which said conviction takes place.

SEC. 10. In order to carry out the provisions of this act and maintenance of the said board of examiners, the said board of examiners shall charge each person applying to or appearing before them for license to practice as a horseshoer a fee of $5.00, and for each yearly renewal thereafter $2.00, and out of the funds coming into the possession of the said board from the fees so charged the members of said board shall receive as compensation the sum of $5.00 per diem for each and every day engaged in the discharge of the duties of their office, and all necessary expenses incurred by said board, and no part of the salary of said board or other expense shall be paid out of the State treasury. All moneys received in excess of said per diem allowance and other expenses above provided for shall be held by the treasurer of said board, he giving such bond as the board from time to time shall direct, and shall not be used or expended by him except as ordered by the board, and said board shall make an annual report of its proceedings to the governor by the 15th of December of each and every year, said report to show the names of all the horseshoers, their places of business, and the moneys received and disbursed by them pursuant to this act.

SEC. 11. Any person or persons, not practical horseshoers, desiring to engage in the business of horseshoeing will be permitted to do so, providing such person or persons employ as superintendent or foreman of their shoeing establishment a practical horseshoer who has complied with section 7 of this act by presenting himself before the board of examiners for examination and by proving to the board that he is entitled to a license to practice in this State as horseshoer.

SEC. 12. It is required that any person contracting to serve an apprenticeship at horseshoeing shall serve for four years, and in addition will be required (if convenient) to attend a course of lectures each year in some institution devoted to the anatomy of the horse's feet, so that he may obtain for himself a knowledge of the same, which is acknowledged by all practical horseshoers to be necessary in order to attain the high standard in horseshoeing which the passage of this act is intended to insure.

SEC. 13. All persons who have served the apprenticeship of four years, as prescribed in this act, shall, at the expiration of their apprenticeship, appear before the board of examiners for examination as to skill and knowledge of horseshoeing, and if found competent shall receive a license to practice horseshoeing in this State. Any applicant failing to pass the examination will be granted an extension of one year in which to qualify himself, and may appear before the board at any of its regular meetings for reexamination.

SEC. 14. It shall be the duty of the secretary of the board of examiners to notify all practicing horseshoers in the State of Illinois of the provisions of this act within six months after the board shall have been appointed.

SEC. 15. This act applies only to towns and cities of 50,000 inhabitants and over, but it shall be optional with all towns and cities of 10,000 or over to come under the provisions of this act.

Approved June 11, 1897.

Factories, etc.—Use of blowers upon metal-polishing machinery.

(Page 250.)

SECTION 1. All persons, companies or corporations operating any factory or workshop where emery wheels or emery belts of any description are used, either solid emery, leather, leather-covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact shall be exempt from the provisions of this act: *And provided*, This act shall not apply to small shops employing not more than one man in such work.

SEC. 2. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet of [or?] cast-iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe attached to same [said] hood or hopper.

SEC. 3. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch [such] suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size to the main-trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large or larger than the suction pipe.

SEC. 4. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at a rate of speed as will produce a velocity of air in such suction or discharge pipe of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a column of water not less than five inches in a U-shaped tube. All branch pipes must enter the main-trunk pipe at an angle of forty-five degrees or less, the main suction or trunk pipe shall be below the emory or buffing wheels and as close to the same as possible, and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

SEC. 5. It shall be the duty of any factory inspector, sheriff, constable or prosecuting attorney of any county in this State in which any such factory or workshop is situated, upon receiving notice in writing signed by any person having knowledge of such facts, accompanied by the sum of one dollar as compensation for his services, that such factory or workshop is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same, and for such purpose they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, directed to the owner, manager or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act and [as] hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

SEC. 6. Any person or persons or company, or managers, or directors of any such company or corporation who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars.

Approved June 11, 1897.

Coal miners.

(Page 268.)

SECTION 1. From and after the passage of this act every person desiring to work by himself in rooms of coal mines in this State shall first produce satisfactory evidence to the mine manager of the mine in which he is employed, or desires to be employed, that he has worked at least two (2) years with or as a practical miner. Until said applicant has so satisfied the mine manager of the mine in which he seeks such employment of his competency, he shall not be allowed to mine coal, unless accompanied by some competent coal miner, until he becomes duly qualified.

SEC. 2. Any violation of section one (1) of this act shall work a forfeiture of the certificate of the manager of the mine where any such party or parties are employed.

Approved, June 7, 1897.

Inspection, etc., of coal mines.

(Page 269.)

SECTION 1. Section eleven e (11e) of the amended act of 1895, entitled "An act to amend section eleven (11) of an act entitled 'An act providing for the health and safety of persons employed in coal mines,' approved May 28, 1879, in force July 1, 1879, as amended by an act approved July 18, 1883, and an act approved June 30, 1885, and to repeal section two (2) of an act entitled 'An act to require inspectors of mines to furnish information to the State geologist and to provide for paying the expenses of the same,'" approved June 18, 1891, approved June 15, 1895, in force July 1, 1895 [Revised Statutes of 1891, chapter 93, section 11e], is hereby amended so as to read as follows:

SECTION 11e. It shall be unlawful for any person, company or corporation to operate any coal mine in this State, where more than five men are employed at any one time, without first having complied with all the conditions and sanitary regulations required under existing laws, and paying all inspection fees provided for in this section, and in case of the refusal of any person, company, corporation, owner, agent or operator to pay said inspection fees, after assuming to operate a coal mine, it shall be the duty of the mine inspector in said district, through the State's attorney of the county or any other attorney, in case of his refusal promptly to act, to proceed on behalf of the State against such person, company, corporation, owner, agent or operator of said mine by injunction, without bond, to restrain said person, company, corporation, owner, agent or operator from continuing, or attempting to continue, to operate said mine or carry on a mining business.

Approved, June 7, 1897.

Payment of wages of coal miners.

(Page 270.)

SECTION 1. Every person engaged in mining coal for any corporation, company, firm or individual, shall be paid in lawful money of the United States for all coal mined and loaded into the mine car by such person for such corporation, company, firm or individual, including lump, egg, nut, pea and slack, or such other grades as said coal may be divided into, at such price as may be agreed upon by the respective parties.

SEC. 2. It shall be the duty of the mine inspector to ascertain whether or not the provisions of section one of this act are being complied with in his district, and if he shall find that any corporation, company, firm or individual are violating the provisions of section one of this act, it shall be his duty to at once have instituted suit in the name of the People of the State of Illinois, in some court of competent jurisdiction, for the recovery of the penalty provided for in this act, and it shall be the duty of the State's attorney of the county in which such suit is brought, when notified by the mine inspector, to prosecute such suit as provided by law in other State cases.

SEC. 3. Every corporation, company, firm or individual violating the provisions of this act shall be fined not less than twenty-five nor more than two hundred dollars for each offense.

Approved, June 3, 1897.

Examination, licensing, etc., of plumbers.

(Page 279.)

SECTION 1. Any person now or hereafter engaging in or working at the business of plumbing in cities or towns of 5,000 inhabitants or more, in this State, either as a master plumber or employing plumber or as a journeyman plumber, shall first receive a certificate thereof in accordance with the provisions of this act.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master plumber or employing plumber, or as a journeyman plumber, shall make application to a board of examiners hereinafter provided for, and shall, at such time and place as said board may designate, be compelled to pass such examination as to his qualifications, as said board may direct; said examination may be made in whole or in part in writing, and shall be of a practical and elementary character but sufficiently strict to test the qualifications of the applicant.

SEC. 3. There shall be in every city, town or village of 10,000 inhabitants or more a board of examiners of plumbers, consisting of three members, one of which shall be the chairman of the board of health, who shall be office [ex officio] chairman of said board of examiners; a second member, who shall be a master plumber, and a third member, who shall be a journeyman plumber. Said second and third members shall be appointed by the mayor and approved by the council or by the board of trustees of said town or village within three months after the passage of this act for the term of one year from the first day of May in the year of appointment, and thereafter annually before the first day of May, and shall be paid from the treasury of said city, town or village the same as other officers in such sums as the authorities may designate.

SEC. 4. Said board of examiners shall, as soon as may be after the appointment, meet and shall then designate the times and places for the examination of all applicants desiring to engage in, or work at, the business of plumbing, within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and, if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant, authorizing him to engage in, or work at, the business of plumbing, whether as master plumber, or employing plumber, or as a journeyman plumber. The fee for a certificate for a master plumber, or employing plumber, shall be $5.00; for a journeyman plumber it shall be $1.00. Said certificate shall be valid and have force throughout the State, and all fees received for said certificates shall be paid into the treasury of the city, town or village where said certificates are issued.

SEC. 5. Each city, town or village in this State having a system of water supply or sewerage shall, by ordinance or by-law, within three months of the passage of this act, prescribe rules and regulations for the materials, constructions, alteration and inspection of all plumbing and sewerage placed in, or in connection with, any building in such city, town or village; and the board of health or proper authorities shall further provide that no plumbing work shall be done, except in case of repairing leaks, without a permit being first issued therefor, upon such terms and conditions as such city, town or village, shall prescribe.

SEC. 6. All persons who are required by this act to take examinations and procure a certificate as required by this act shall apply to the board in the city where he resides or to the board nearest his place of residence.

SEC. 7. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor and be subject to a fine of not less than five dollars ($5.00) nor exceeding fifty dollars ($50.00) for each and every violation therefor, and his certificate may be revoked by the board of health or proper authorities of said city, town or village.

SEC. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 10, 1897.

MASSACHUSETTS.

ACTS OF 1897.

CHAPTER 265.—*Examination, licensing, etc., of gas fitters—Boston.*

SECTION 1. No person, firm or corporation shall engage in or work at the business of gas fitting in the city of Boston after the first day of October in the year eighteen hundred and ninety-seven, either as employer or as a journeyman, unless such person, firm or corporation has received a license therefor in accordance with the provisions of this act. The word "journeyman," as used in this act, shall be deemed to mean one who personally does any gas fitting or any work in connection therewith which would be subject to inspection under the provisions of this act.

SEC. 2. Every person, firm or corporation desiring to engage in the business of gas fitting in the city of Boston shall make application therefor to the building commissioner, and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business.

SEC. 3. The board of examiners shall consist of the building commissioner, the chairman of the board of health, who shall be ex officio members of said board and serve without compensation, and a third member, to be chosen by the board of health, who shall be a practical gas fitter of at least five years' continued practical experience during the years next preceding the date of appointment. Said third member shall be chosen within thirty days after the passage of this act, for a term ending on the first day of May in the year eighteen hundred and ninety-eight, and thereafter annually; and he shall be allowed a sum not exceeding five dollars for each day of actual service, to be paid from the treasury of the city of Boston.

SEC. 4. Said board of examiners shall, as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman and clerk, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of gas fitting in the city of Boston. Said board shall examine said applicants as to their practical knowledge of gas fitting, shall submit the applicant to some satisfactory form of practical test, and, if satisfied of the competency of the applicant, shall so certify to the building commissioner, who shall thereupon issue a license to such applicant, authorizing him to engage in or work at the business of gas fitting, first requiring him to register in the office of the said building commissioner his name, place of business or residence, license number, date of examination, and in what capacity licensed. In case of a firm or corporation, the examination of one member of the firm, or of the manager of the corporation, shall satisfy the requirements of this act. The fee for the license of any employing gas fitter shall be two dollars, and for a journeyman, fifty cents; and said license shall continue in force until revoked or canceled, but shall not be transferable.

SEC. 6. Every licensed gas fitter shall display his license number conspicuously at his place of business.

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SEC. 11. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not exceeding one hundred dollars for each offense, and if such person has received a license under this act his license may be revoked by the building commissioner.

SEC. 12. The building commissioner shall include in his annual report to the city council a report of the proceedings of the building department under this act, and shall include therein a report of the board of examiners appointed under this act, giving their proceedings during the year ending on the first day of February.

SEC. 13. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 14. This act shall take effect upon its passage, except so far as is hereinbefore otherwise provided.

Approved April 10, 1897.

CHAPTER 328.—*Civil-service commission—Registration of applicants for labor.*

SECTION 1. Applicants for positions in the labor service of the Commonwealth or of the cities thereof shall be allowed to register, to the number of five hundred, on the first Monday of February, May, August, and November in each year, at the places appointed for the registry of such applicants, and any rules heretofore made by the civil-service commissioners which are inconsistent with the provision of this act are hereby annulled.

SEC. 2. This act shall take effect upon its passage.

Approved April 29, 1897.

CHAPTER 412.—*Convict labor.*

SECTION 1. The number of inmates of all the prisons in this Commonwealth who may be employed in the industries hereinafter named shall be limited as follows: In the manufacture of brushes not more than eighty; in the manufacture of cane chairs with wood frames not more than eighty; in the manufacture of clothing other than shirts or hosiery not more than three hundred and seventy-five; in the manufacture of harnesses not more than fifty; in the manufacture of mats not more than twenty; in the manufacture of rattan chairs not more than seventy-five; in the manufacture of rush chairs not more than seventy-five; in the manufacture of shirts not more than eighty, and none but women to be so employed; in the manufacture of shoes not more than three hundred and seventy-five; in the manufacture of shoe heels not more than one hundred and twenty-five; in the manufacture of trunks not more than twenty; to be employed at stone cutting not more than one hundred and fifty; to be employed at laundry work not more than one hundred.

SEC. 2 (as amended by chapter 480, acts of 1897). Not over thirty per cent of the number of inmates of any penal institution having more than one hundred inmates shall be employed in any one industry, except in the industry of cane-seating and in the manufacture of umbrellas.

SEC. 3. After the first day of January in the year eighteen hundred and ninety-eight the general superintendent of prisons shall not approve the employment of any prisoners on the contract or piece-price plan in the penal institutions of the Commonwealth, except in the industry of cane-seating and in the manufacture of umbrellas. All existing contracts which can be terminated by notice shall be so terminated; and the general superintendent of prisons and the principal officers of the prisons and reformatories are hereby directed to notify the contractors forthwith in accordance with the provisions of said contracts, that the same will be terminated on the date named in this section.

SEC. 4. This act shall not apply to prisoners engaged in the manufacture of goods for use in the prisons or to be used in any of the public charitable institutions or hospitals of the Commonwealth.

SEC. 5. No goods manufactured in any penal or reformatory institution of this Commonwealth, house of correction or county jail, shall be sold for less than the wholesale market price prevailing at the time of such sale for goods of the same description and quality: *Provided,* That this section shall not apply to goods furnished to public institutions for the use of the inmates thereof.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall take effect on the first day of January, in the year eighteen hundred and ninety-eight.

Approved May 18, 1897.

CHAPTER 434.—*Convict labor.*

SECTION 1. The laws relating to the labor of prisoners in the State prison, reformatories and houses of correction shall apply to the labor of prisoners in the jails and at the State farm; and the general superintendent of prisons shall have the same authority over the industries in the jails and at the State farm which he now has in respect to the industries in said State prison, reformatories and houses of correction.

SEC. 2. This act shall take effect upon its passage.

Approved May 26, 1897.

CHAPTER 452.—*Protection of motormen, etc., on street railways.*

SECTION 1. All cars purchased, built or rebuilt by any street railway company after the first day of January in the year eighteen hundred and ninety-eight, and used by such company in the transportation of passengers during the months of January, February, March, November and December shall, during each of said months, have the platforms of such cars inclosed in such a manner as to protect the motormen, conductors or other employees operating said cars from exposure to the wind and inclemency of the weather: *Provided,* That said platforms shall be so inclosed as not to obstruct the sight of the employees or endanger the safe management of the cars, in such manner as the board of railroad commissioners may determine. Any street railway company which fails or neglects to comply with the provisions of this act shall be fined not more than one hundred nor less than fifty dollars for each day during which such failure or neglect continues.

SEC. 2. The term "car," as used in this act, shall include all cars operated by steam, cable or electricity, which require the constant care or attention of any person on the platforms thereof while they are in motion. The term "company," shall include any corporation, partnership or person owning or operating a street railway.

SEC. 3. The superintendent or manager of any street railway or any officer or agent thereof who causes or permits any violation of the provisions of this act shall be jointly and severally liable with the corporation, partnership or person employing him to the fine hereby imposed, and in default of payment thereof may be committed to jail until the same is paid: *Provided,* That he shall not be so committed for a longer period than three months.

SEC. 4. This act shall take effect on the first day of January in the year eighteen hundred and ninety-eight; but it shall not apply to any street cars operated in a city of more than fifty thousand inhabitants, unless the board of railroad commissioners, after hearing and investigation, shall certify that, in its opinion, such cars can be operated therein with safety to the public. But this exemption shall not apply to the cars of any street railway company which shall not, on or before the first day of October in the year eighteen hundred and ninety-seven, file with said board a request for such hearing and investigation.

Approved June 3, 1897.

CHAPTER 491.—*Employers' liability.*

SECTION 1. One or more cars in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven [the employers' liability act] and acts in addition thereto or in amendment thereof.

SEC. 2. Any person who, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch or train shall be deemed to be a person in charge or control of a signal, switch or train within the meaning of clause three of section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven and acts in addition thereto or in amendment thereof.

Approved June 10, 1897.

MICHIGAN.

ACTS OF 1897.

ACT NO. 13.—*Incorporation of labor associations.*

SECTION 1. Labor associations may be incorporated under the provisions of this act.

SEC. 2. Any ten or more residents of this State, who are members of any chartered body, or of different chartered bodies, which body or bodies receive their charter from the American Federation of Labor, or from any international labor organization issuing charters under authority from the American Federation of Labor, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth:

First. The names of the persons associating in the first instance, their places of residence and the name and location of the labor organization or organizations to which they severally belong.

Second. The corporate name by which such association shall be known in the law.

Third. The purposes of the association, which shall be to provide a building or buildings to be used in the interests of organized labor, and the period for which such association is incorporated, not exceeding thirty years.

SEC. 3. A copy of said articles of association shall be filed with the county clerk of the county within which such corporation shall be formed and shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body corporate by the name expressed in such articles of association. A copy of such articles of association, under the seal of the county clerk in whose office said record is kept, and certified by him, shall be received as prima facie evidence in all courts of this State of the existence and due incorporation of such association.

SEC. 4. Every corporation organized under the provisions of this act may take, receive, purchase and hold in its corporate capacity and for its corporate purposes, real and personal property, and the same or any part thereof demise, sell, convey, use and dispose of at pleasure; and may erect and own suitable building or buildings to be used in whole or in part for meetings of labor organizations or for any other purpose in the interests of labor organizations, and may borrow money, and for that purpose may issue its bonds and mortgage its property to secure the payment of said bonds.

SEC. 5. Every such corporation shall have full power and authority to provide by its by-laws for the issuing of certificates or shares of stocks and for the manner in which the same shall be held and represented. All stockholders of every corporation formed under this act, shall be limited in their liability to creditors of any such corporation, to an amount equal to the amount unpaid on their said stock.

SEC. 6. Every such corporation shall have power to provide by its by-laws for succession to its original membership, and for new membership, and shall also have power to provide by its by-laws for election from its members of a board of trustees and to fix the number and term of office of such trustees.

SEC. 7. The management and control of the business, affairs and property of such corporation shall be vested in said board of trustees, and said board shall have power to borrow any money, and cause to be made and issued any bonds and mortgages authorized by section 4 of this act. Said trustees shall appoint from their number a president, secretary and treasurer, who shall perform the duties of their respective offices in accordance with the rules and regulations prescribed by the board of trustees.

This act is ordered to take immediate effect.

Approved February 18, 1897.

ACT NO. 92.—*Factories and workshops—Employment of children, etc.*

SECTION 1. Sections numbered two, five, ten and fourteen of act number one hundred and eighty-four, session laws of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, eighteen hundred and ninety-five, are hereby amended so as to read as follows:

SEC. 2. No child under fourteen years of age shall be employed in any manufacturing establishment within this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any manufacturing establishment to hire or employ any child under the age of sixteen years without there is first provided and placed on file a (sworn) statement in writing made by the parent or guardian, stating the age, date and place of birth of said child. If said child have no parent or guardian, then such statement shall be made by the child, which statement shall be kept on file by the employer, and which said register and statement shall be produced for inspection on demand made by any factory inspector appointed under this act.

SEC. 5. It shall be the duty of the owner, agent or lessee of any manufacturing establishment where hoisting shafts or wellholes are used to cause the same to be properly inclosed and secured. It shall also be the duty of the agent, owner or lessee to provide or cause to be provided at all elevator openings such proper trap or automatic doors or automatic gates so constructed as to open and close by the action of the elevator either ascending or descending. The factory inspector, assistant factory inspector and deputy factory inspectors shall inspect the cables, gearing or other apparatus of elevators in manufacturing establishments at least once each year, and more frequently if necessary, and require that the same be kept in a safe condition.

SEC. 10. Every factory in which five or more persons are employed and every factory or workshop in which two or more children, young persons or women are employed shall be supplied with proper wash and dressing rooms, and kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance, and shall be provided within reasonable access with a sufficient number of proper water-closets, earth closets or privies, for the reasonable use of the persons employed therein; and whenever two or more male persons and one or more female persons are employed as aforesaid, a sufficient number of [separate] seperate and distinct water-closets, earth closets, or privies shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

SEC. 14. Sections one, two and three of this act shall not apply to canning factories or evaporating works, but shall apply to any other place where goods, wares or products are manufactured, repaired, cleaned or sorted, in whole or in part; but no other person, persons or [corporation] corporations employing less than five persons or children, excepting in any of the cities of this State, shall be deemed a manufacturing establishment within the meaning of this act.

Approved, April 24, 1897.

ACT NO. 111.—*Factories and workshops—Fixing responsibility for making improvements.*

SECTION 1. Whenever fire escapes, elevator protection or repairs, water-closets and other permanent improvements to buildings are ordered by factory or deputy factory inspectors under the provisions of act one hundred and eighty-four, session laws of eighteen hundred and ninety-five, said improvements shall be made by the owner of the building or premises where such improvements are ordered: *Provided*, That nothing in this section shall be construed to interfere with any contract between owner and tenant whereby the tenant agrees to make such improvements when ordered by factory or deputy factory inspectors.

SEC. 2. Whenever the owner of any building or premises as mentioned in section one of this act is a nonresident of this State, the tenant shall make such improvements and may deduct the cost thereof from the amount of rent for use of said premises.

This act is ordered to take immediate effect.

Approved, May 7, 1897.

ACT NO. 123.—*Duties, etc., of mine inspectors.*

SECTION 1. Section three of act number two hundred thirteen of the public acts of eighteen hundred and eighty-seven, entitled "An act to provide for the appointment of inspectors of mines and their deputies in certain cases, to prescribe their powers and duties and provide for their compensation," is hereby amended so as to read as follows:

SEC. 3. The duties of the mine inspector shall be to visit all the working mines of his county once in every sixty days, and oftener if in his judgment necessary, and closely inspect the mines so visited, and condemn all such places where he shall find that the employees are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladder ways, where men must ascend and descend, going to and from their work. In case the mine inspector shall find that a place is dangerous from any cause as aforesaid, it shall be his duty immediately to order the men engaged in work at the said place to quit work, and he shall notify the superintendent, agent or person in charge, to secure the place from the existing danger, which said notification or order shall be in writing, and shall clearly define the limits of the dangerous place, and specify the work, to be done or change to be made to render the same secure, ordinary mine risks excepted, it shall also be the duty of the mine inspector to command the person, persons or corporation working any mine, or the agent, superintendent, foreman or other person having immediate charge of the working of any mine, to furnish all shafts and open pits of such mine with some secure safeguard at the top of the shaft or open pit so as to guard against accident by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary, for the purpose of safety: *Provided*, That when any mine is idle or abandoned it shall be the duty of the mine inspector to notify the person, persons or corporation owning the land on which any such mine is situated, or the agent of such owner or owners, to erect and maintain around all the shafts and open pits of such mine a fence or railing suitable to prevent persons or domestic animals from accidentally falling into said shafts or open pits. Said notice shall be in writing and shall be served upon such owner, owners or agent, personally, or by leaving a copy at the residence of any such owner or agent if they or any of them reside in the county where such mine is situated, and if such owner, owners or agents are none of them residents of the county such notice may be given by publishing the same in one or more newspapers printed and circulating in said county if there be one and if no newspaper be published in said county then in a newspaper published in some adjoining county, for a period of three consecutive weeks. If such owner, owners or agent shall not within thirty days after receiving such notice or within thirty days after the completion of said publication erect such suitable fences or railings as above provided, it shall be the duty of the mine inspector to cause such suitable fences or railings to be erected and to make a return of his doings in the case, with the description of the land or lands on which such shafts and open pits are located, together with an itemized statement of the actual expenses incurred in such case on each description of land, to the county clerk of the county, which return and statement shall be verified by the affidavit of the mine inspector. All expenses incurred under the provisions of this section shall be audited by the board of supervisors of the county, and all sums allowed by such board for such expenses shall be paid from the general fund of the county. The county clerk shall certify to the board of supervisors at its annual meeting in each year the amount of expense incurred under the provisions of this section during the preceding year and the amount belonging to each and every description of land on which any such mines are situated and said amount shall be certified to the supervisors of the proper townships in the same manner as county taxes are certified to said supervisors, and the amount of the expense incurred as above on each description shall be assessed by said supervisors upon the said description upon their assessment rolls for that year, in a separate column, and shall be collected in the same manner as county taxes, and when so collected, paid into the general fund of the county.

Approved, May 13, 1897.

ACT NO. 221.—*Payment of wages—Use of script redeemable otherwise than in money prohibited.*

SECTION 1. It shall be unlawful for any corporation to sell, give, deliver or in any manner issue, directly or indirectly, to any person employed by him or it, in payment of wages due for labor, or as advances on the wages of labor not due, any script, token, order, or other evidence of indebtedness purporting to be payable or redeemable otherwise than in money. Any violation of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars or imprisonment for not more than thirty days or both such fine and imprisonment in the discretion of the court, and any such script, token, order, or other evidence of indebtedness issued in violation of the provisions of this act, whatever its provisions as to the time or manner of payment shall be, in legal effect, an instrument for the unconditional payment of money only on demand, and the amount thereof may be collected in money by any holder thereof in a civil action against the corporation selling, delivering or in any manner or for any purpose issuing the same; and such holder may be either the person to whom such instrument was originally issued or who acquired the same by purchase and delivery.

SEC. 2. Any script, token, order, or other evidence of indebtedness, issued in violation of the provisions of this act, and presented by the holder thereof, shall be taken as prima facie evidence, in any court of competent jurisdiction, of the guilt or indebtedness of any corporation selling, giving, delivering or in any manner issuing the same.

SEC. 3. Any person selling, giving, delivering or in any manner issuing said script, token, order, or other evidence of indebtedness in behalf of any corporation in violation of the provisions of the preceding sections shall be the defendant to the criminal action, and the corporation shall be held as defendant to the civil action: *Provided*, That the provisions of this act shall not apply, when any employee shall voluntarily request or consent to receive script, tokens or orders upon any person, company or corporation in payment, or part payment, of wages due, or to become due, to such employee.

SEC. 4. All acts or parts of acts in any manner contravening the provisions of this act are hereby repealed.

Approved, May 29, 1897.

ACT NO. 241.—*Factories and workshops—Inspection.*

SECTION 1. Section fifteen of act one hundred and eighty-four of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, eighteen hundred and ninety-five, (is) hereby amended so as to read as follows:

SEC. 15. For the purpose of carrying out the provisions of this act the commissioner of labor is hereby authorized and required to cause at least an annual inspection of the manufacturing establishments or factories in this State. Such inspection may be by the commissioner of labor, the deputy commissioner of labor, or such other persons as may be appointed by the commissioner of labor for the purpose of making such inspection. Such persons shall be under the control and direction of the commissioner of labor and are especially charged with the duties imposed, and shall receive such compensation as shall be fixed by the commissioner of labor, not to exceed three dollars a day together with all necessary expenses. All compensation for services and expenses provided for in this act shall be paid by the State treasurer upon the warrant of the auditor general: *Provided*, That not more than twelve thousand dollars shall be expended in such inspection in any one year: *And provided further*, That the commissioner of labor shall present to the governor on or before the first day of February, eighteen hundred and ninety-six, and annually thereafter, a report of such inspection with such recommendation as may be necessary: *And provided further*, That in addition to the above amount allowed for expenses, there may be printed not to exceed one thousand copies of such reports for the use of the labor bureau for general distribution. And all printing, binding, blanks, stationery, supplies or map work shall be done under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

Approved, June 2, 1897.

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

OMAHA, NEBR.—November 2, 1897. Contract with George Moore & Sons, Nashville, Tenn., for the erection and completion of the Transmississippi and International Exposition Building, $43,937. Work to be completed before April 25, 1898.

HELENA, ARK.—November 6, 1897. Contract with L. L. Leach & Son, Chicago, Ill., for approaches to court-house and post-office, $6,893. Work to be completed within four months.

OMAHA, NEBR.—November 16, 1897. Contract with James F. Earley, Washington, D. C., for plaster models for Transmississippi and International Exposition Building, $3,120. Work to be completed within ninety days.

NEW YORK, N. Y.—November 24, 1897. Contract with G. A. Suter for boiler plant, low-pressure and exhaust steam-heating and ventilating apparatus, water supply and filtering plant and fire protection system, basement floor, etc., for appraiser's warehouse, $68,800. Work to be completed within four months.

CHARLESTON, S. C.—December 20, 1897. Contract with Wm. Everroad & Son, Columbus, Ind., for improvement to grounds of court-house, post-office, etc., $12,091.29. Work to be completed within one hundred and twenty working days.